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From R. L. Nicholson
Captain Royal Navy -

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SUPPLEMENT

TO THE

VOLUME

OF

ADMIRALTY STATUTES

ISSUED IN 1886.

Statutes issued between 1886 and 1896 inclusive.

WITH AN INDEX.

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1897.

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THE ADMIRALTY STATUTES.

50 Victoria.—A.D. 1886.

CAP. III.

An Act to amend the Submarine Telegraph Act, 1885.

[25th September 1886.]

WHEREAS the delegates of the States, parties to the convention of the fourteenth day of March one thousand eight hundred and eighty-four, mentioned in the schedule to the Submarine Telegraph Act, 1885, have recommended for adoption by their respective States a declaration respecting the interpretation of such convention, and it is expedient to provide for giving effect to such declaration when adopted:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 48 & 49 Vict. c. 49.

1. This Act shall be construed as one with the Submarine Telegraph Act, 1885, and that Act and this Act may be cited together as the Submarine Telegraph Acts, 1885 and 1886, and this Act may be cited separately as the Submarine Telegraph Act, 1886.

Confirmation of declaration.

2. It shall be lawful for Her Majesty in Council at any time after the passing of this Act to order that the declaration mentioned in the schedule to this Act, as set forth in that schedule, shall be of the same force, and the same shall accordingly be of the same force, as the articles of the convention set forth in the schedule to the Submarine Telegraph Act, 1885.

Repeal of 48 & 49 Vict. c. 49. s. 4.

3. Section four of the Submarine Telegraph Act, 1885, is hereby repealed.

SCHEDULE.

SUBMARINE TELEGRAPH DECLARATION.

"Certain doubts having been raised as to the meaning of the word "wilfully" used in article two of the convention of the fourteenth of

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March one thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable when all precautions have been taken to avoid such breakage or injury.

It is equally understood that article four of the convention had no other object, and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances the question of the civil responsibility of the owner of a cable who in laying or repairing his own cable breaks or injures another cable, as well as the consequences of such responsibility if it is recognised as existing.

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51 & 52 Victoria.—A.D. 1888.

CAP. XXXI.

An Act to make better provision respecting National Defence. [13th August 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the National Defence Act, 1888.

Calling out for actual military service of yeomanry.

2.—(1.) Whenever an order for the embodiment of the militia is in force, it shall be lawful for Her Majesty the Queen to call out for actual military service all or any of the corps of yeomanry of Her Majesty's military forces, and sections eighteen to twenty-five (both inclusive) of the Militia Act, 1882, so far as they relate to embodying and disembodying the militia, shall apply to the yeomanry in like manner as if embodying were calling out for actual military service, and disembodying were releasing from actual military service, and as if the said sections were herein re-enacted, and in terms made applicable to the yeomanry.

(2.) Every corps of yeomanry when called out for actual military service shall be liable to serve in any part of Great Britain until released from actual military service, but before being released shall be returned to the county to which it belongs.

(3.) Nothing in this section shall apply, without his consent, to a man enrolled in any corps of yeomanry at the passing of this Act, but as regards all men enrolled after the passing of this Act, the Acts specified in the First Schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

Calling out for actual service of naval

3.—(1.) Whenever an order is in force directing that the Royal Naval Reserve, or any part thereof, shall be called into

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actual service, it shall be lawful for Her Majesty the Queen to direct the Admiralty to call out for actual service the naval artillery volunteer corps, or any of them, and such direction shall have full effect as a direction under section sixteen of the Naval Artillery Volunteer Act, 1873, and that Act shall have effect accordingly. artillery volunteer corps. 36 & 37 Vict. c. 77.

(2.) The Royal Naval Reserve in this section means the volunteers under the Act of the session of the sixteenth and seventeenth years of the reign of her present Majesty, chapter seventy-three, intituled "An Act for the establishment of a body "of naval coast volunteers and for the temporary transfer to "the Navy in case of need of seafaring men employed in other "public services."

(3.) Nothing in this section shall apply, without his consent, to a man belonging to any naval artillery volunteer corps for six months after the passing of this Act, but as regards all men who join that corps after the last-named date, the Act specified in the second schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

Power of Government, on occasion of national danger, or great emergency, to have precedence in traffic of railway.

4.—(1.) Whenever an order for the embodiment of the militia is in force, it shall be lawful for Her Majesty the Queen, by order signified under the hand of a Secretary of State, to declare that it is expedient for the public service that traffic for naval and military purposes shall have on the railways in the United Kingdom, or such of them as is mentioned in the order, precedence over other traffic.

(2.) When any such order is in force as respects a railway, an officer of any part of Her Majesty's naval or military forces acting under the authority of a Secretary of State or the Admiralty may, by warrant under his hand addressed to the railway company working that railway, require that such traffic as may be specified in the warrant shall be received and forwarded on the railway in priority to any other traffic, and the company shall comply with such warrant, and shall, so far as may be necessary, suspend the receiving and forwarding of all other traffic on such railway.

(3.) If a director of or person employed by a railway company refuses or fails to comply with the exigency of the warrant, or obstructs the carrying thereof into effect, he shall be liable on summary conviction to a fine not exceeding fifty pounds, and any such officer as aforesaid may take such means as seem to him necessary for carrying (and if need be, by force) the warrant into effect.

(4.) A warrant issued in pursuance of this section shall not be in force for more than one month after the date thereof unless renewed.

(5.) An order made by Her Majesty in pursuance of this section may be revoked by Her Majesty at any time, and upon the militia being ordered to be disembodied shall cease to operate.

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(6.) There shall be paid, out of moneys provided by Parliament, to a railway company required to receive and forward traffic in pursuance of this section, such reasonable remuneration as may be agreed upon, or in default of agreement may be determined by arbitration.

(7.) If any person suffers any loss by reason of anything done under the authority of a Secretary of State or the Admiralty in pursuance of this section, he may petition the Secretary of State or the Admiralty for compensation, and the Secretary of State or Admiralty may pay out of moneys provided by Parliament such reasonable compensation as may seem just; but no such compensation shall be paid in respect of any loss arising under a contract which was made subsequently to the date of an order under this section, or which, though made before, might have been determined subsequently to that date.

(8.) For the purposes of this section—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State; and

The expression "Admiralty" means the Commissioners for executing the office of Lord High Admiral; and

The expression "railway" includes any tramway, whether worked by animal or mechanical power, or partly in one way and partly in the other; and

The expression "person" includes any person or body of persons, corporate or unincorporate; and

The expression "railway company" means any person as above defined who as owner or lessee of a railway or otherwise is actually engaged in working a railway; and

The expression "traffic" includes persons, animals, goods, and things of every description which are ordinarily carried, or are required by virtue of this Act to be received and forwarded, on a railway.

Amendment of 44 & 45 Vict. c. 58. s. 115. as to supply of carriages and vessels in case of emergency.

5. Whereas by section one hundred and fifteen of the Army Act, 1881, provision is made for the issue of a requisition of emergency requiring justices of the peace to issue their warrants for the provision of carriages, animals, and vessels; and whereas it is expedient to extend the said section: Be it therefore enacted as follows:

There shall be added at the end of section one hundred and fifteen of the Army Act, 1881, the following sub-sections as sub-sections seven and eight thereof, that is to say:—

(7.) Whenever an order for the embodiment of the militia is in force, the order of Her Majesty authorising an officer to issue a requisition of emergency may authorise him to extend such requisition to the provision of carriages, animals, and vessels for the purpose of being purchased, as well as of being hired, on behalf of the Crown.

(8.) Where a justice, on demand by an officer and on production of a requisition of emergency, has issued his warrant

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for the provision of any carriages, animals, or vessels, and any person ordered in pursuance of such warrant to furnish a carriage, animal, or vessel refuses or neglects to furnish the same according to the order, then, if an order for the embodiment of the militia is in force, the said officer may seize (and if need be by force) the said carriage, animal, or vessel, and may use the same in like manner as if it had been furnished in pursuance of the order, but the said person shall be entitled to payment for the same in like manner as if he had duly furnished the same according to the order.

SCHEDULES.

FIRST SCHEDULE.

ACT REPEALED AS TO YEOMANRY AND VOLUNTEERS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3. c. 54	An Act to consolidate and amend the provisions of the several Acts relating to corps of yeomanry and volunteers in Great Britain, and to make further regulations relating thereto.	Section twenty-two, and in section thirty the words "in case of "actual invasion or "appearance of the "enemy in force on "the coast;" section thirty-seven and section thirty-nine.

SECOND SCHEDULE.

ACT REPEALED AS RESPECTS NAVAL ARTILLERY VOLUNTEER CORPS.

Session and Chapter.	Short Title.	Extent of Repeal.
36 & 37 Vict. c. 77.	Naval Artillery Volunteer Act, 1873.	Section sixteen, from the beginning down to "or "any of them for "actual service" inclusive.

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52 & 53 Victoria.—A.D. 1889.

CAP. LII.

An Act to prevent the Disclosure of Official Documents and Information. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disclosure of information.

1.—(1.) (*a.*) Where a person for the purpose of wrongfully obtaining information—

(i.) enters or is in any part of a place belonging to Her Majesty the Queen, being a fortress, arsenal, factory, dockyard, camp, ship, office, or other like place, in which part he is not entitled to be; or

(ii.) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan; or

(iii.) when outside any fortress, arsenal, factory, dockyard, or camp belonging to Her Majesty the Queen, takes or attempts to take without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard, or camp; or

(*b.*) where a person knowingly having possession of, or control over, any such document, sketch, plan, model, or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time; or

(*c.*) where a person after having been entrusted in confidence by some officer under Her Majesty the Queen with any document, sketch, plan, model, or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated;

he shall be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(2.) Where a person having possession of any document, sketch, plan, model, or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office, or other like place belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be guilty of a misdemeanour, and be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3.) Where a person commits any act declared by this section to be a misdemeanour, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model,

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or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour.

Breach of official trust.

2.—(1.) Where a person, by means of his holding or having held an office under Her Majesty the Queen, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2.) A person guilty of a breach of official trust shall—

(*a.*) if the communication was made or attempted to be made to a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life or for any term not less than five years, or to imprisonment for any term not exceeding two years, with or without hard labour; and

(*b.*) in any other case be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(3.) This section shall apply to a person holding a contract with any department of the Government of the United Kingdom, or with the holder of any office under Her Majesty the Queen as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty the Queen.

Punishment for incitement or counselling to commit offence.

3. Any person who incites or counsels, or attempts to procure, another person to commit an offence under this Act, shall be guilty of a misdemeanour, and on conviction be liable to the same punishment as if he had committed the offence.

Expenses of Prosecution.

4. The expenses of the prosecution of a misdemeanour under this Act shall be defrayed in like manner as in the case of a felony.

Saving for laws of British possessions.

5. If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to Her Majesty the Queen to be of the like effect as those contained in this Act, Her Majesty may, by Order in Council, suspend the operation within such British possession of

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this Act, or of any part thereof, so long as such law continues in force there, and no longer, and such order shall have effect as if it were enacted in this Act:

Provided that the suspension of this Act, or of any part thereof, in any British possession shall not extend to the holder of an office under Her Majesty the Queen who is not appointed to that office by the Government of that possession.

The expression "British possession" means any part of Her Majesty's dominions not within the United Kingdom.

Extent of Act and place of trial of offence.

6.—(1.) This Act shall apply to all acts made offences by this Act when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere.

(2.) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, and determined, in any competent British Court in the place where the offence was committed, or in Her Majesty's High Court of Justice in England or the Central Criminal Court, and the Act of the forty-second year of the reign of King George the Third, chapter eighty-five, shall apply in like manner as if the offence were mentioned in that Act, and the Central Criminal Court as well as the High Court possessed the jurisdiction given by that Act to the Court of King's Bench.

(3.) An offence under this Act shall not be tried by any court of general or quarter sessions, nor by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law.

(4.) The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act. 50 & 51 Vict. c. 20.

Restriction on prosecution.

7.—(1.) A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Attorney-General.

(2.) In this section the expression "Attorney-General" means the Attorney or Solicitor-General for England; and as respects Scotland, means the Lord Advocate; and as respects Ireland, means the Attorney or Solicitor-General for Ireland; and if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England.

Interpretations.

8. In this Act, unless the context otherwise requires—

Any reference to a place belonging to Her Majesty the Queen includes a place belonging to any department of the Government of the United Kingdom or of any of Her Majesty's possessions, whether the place is or is not actually vested in Her Majesty;

Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model, or information

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itself or the substance or effect thereof only be communicated;

The expression "document" includes part of a document;

The expression "model" includes design, pattern, and specimen;

The expression "sketch" includes any photograph or other mode of representation of any place or thing;

The expression "office under Her Majesty the Queen," includes any office or employment in or under any department of the Government of the United Kingdom, and so far as regards any document, sketch, plan, model, or information relating to the naval or military affairs of Her Majesty, includes any office or employment in or under any department of the Government of any of Her Majesty's possessions.

Saving.

9. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or by military or naval law, or under any Act of Parliament other than this Act, so, however, that no person be punished twice for the same offence.

Short title.

10. This Act may be cited as the Official Secrets Act, 1889.

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53 & 54 Victoria.—A.D. 1890.

CAP. XXVII.

An Act to amend the Law respecting the exercise of Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the United Kingdom.

[25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Colonial Courts of Admiralty Act, 1890.

Colonial Courts of Admiralty.

2.—(1.) Every court of law in a British possession, which is for the time being declared in pursuance of this Act to be a court of Admiralty, or which, if no such declaration is in force in the possession, has therein original unlimited civil jurisdiction, shall be a court of Admiralty, with the jurisdiction in this Act mentioned, and may for the purpose of that jurisdiction exercise all the powers which it possesses for the purpose of its other civil jurisdiction, and such court in reference to the jurisdiction

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conferred by this Act is in this Act referred to as a Colonial Court of Admiralty. Where in a British possession the Governor is the sole judicial authority, the expression "court of law" for the purposes of this section includes such Governor.

(2.) The jurisdiction of a Colonial Court of Admiralty shall, subject to the provisions of this Act, be over the like places, persons, matters, and things, as the Admiralty jurisdiction of the High Court in England, whether existing by virtue of any statute or otherwise, and the Colonial Court of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that Court to international law and the comity of nations.

(3.) Subject to the provisions of this Act any enactment referring to a Vice-Admiralty Court, which is contained in an Act of the Imperial Parliament or in a Colonial law, shall apply to a Colonial Court of Admiralty, and be read as if the expression "Colonial Court of Admiralty" were therein substituted for "Vice-Admiralty Court" or for other expressions respectively referring to such Vice-Admiralty Courts or the judge thereof, and the Colonial Court of Admiralty shall have jurisdiction accordingly.

Provided as follows:

(*a.*) Any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England, when applied to a Colonial Court of Admiralty in a British possession, shall be read as if the name of that possession were therein substituted for England and Wales; and

(*b.*) A Colonial Court of Admiralty shall have under the Naval Prize Act, 1864, and under the Slave Trade Act, 1873, and any enactment relating to prize or the slave trade, the jurisdiction thereby conferred on a Vice-Admiralty Court and not the jurisdiction thereby conferred exclusively on the High Court of Admiralty or the High Court of Justice; but, unless for the time being duly authorised, shall not by virtue of this Act exercise any jurisdiction under the Naval Prize Act, 1864, or otherwise in relation to prize; and 27 & 28 Vict. c. 25. 36 & 37 Vict. c. 88.

(*c.*) A Colonial Court of Admiralty shall not have jurisdiction under this Act to try or punish a person for an offence which according to the law of England is punishable on indictment; and

(*d.*) A Colonial Court of Admiralty shall not have any greater jurisdiction in relation to the laws and regulations relating to Her Majesty's Navy at sea, or under any Act providing for the discipline of Her Majesty's Navy, than may be from time to time conferred on such court by Order in Council.

(4.) Where a Court in a British possession exercises in respect of matters arising outside the body of a county or other like part of a British possession any jurisdiction exerciseable under this

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Act, that jurisdiction shall be deemed to be exercised under this Act and not otherwise.

Power of Colonial legislature as to Admiralty jurisdiction.

3. The legislature of a British possession may by any Colonial law,

(*a.*) declare any court of unlimited civil jurisdiction, whether original or appellate, in that possession to be a Colonial Court of Admiralty, and provide for the exercise by such court of its jurisdiction under this Act, and limit territorially, or otherwise, the extent of such jurisdiction; and

(*b.*) confer upon any inferior or subordinate court in that possession such partial or limited Admiralty jurisdiction under such regulations and with such appeal (if any) as may seem fit:

Provided that any such Colonial law shall not confer any jurisdiction which is not by this Act conferred upon a Colonial Court of Admiralty.

Reservation of Colonial law for Her Majesty's assent.

4. Every Colonial law which is made in pursuance of this Act, or affects the jurisdiction of or practice or procedure in any court of such possession in respect of the jurisdiction conferred by this Act, or alters any such Colonial law as above in this section mentioned, which has been previously passed, shall, unless previously approved by Her Majesty through a Secretary of State, either be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that such law shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Local Admiralty appeal.

5. Subject to rules of court under this Act, judgments of a court in a British possession given or made in the exercise of the jurisdiction conferred on it by this Act, shall be subject to the like local appeal, if any, as judgments of the court in the exercise of its ordinary civil jurisdiction, and the court having cognizance of such appeal shall for the purpose thereof possess all the jurisdiction by this Act conferred upon a Colonial Court of Admiralty.

Admiralty appeal to the Queen in Council.

6.—(1.) The appeal from a judgment of any court in a British possession in the exercise of the jurisdiction conferred by this Act, either where there is as of right no local appeal or after a decision on local appeal, lies to Her Majesty the Queen in Council.

(2.) Save as may be otherwise specially allowed in a particular case by Her Majesty the Queen in Council, an appeal under this section shall not be allowed—

(*a*) from any judgment not having the effect of a definitive judgment unless the court appealed from has given leave for such appeal, nor

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(*b*) from any judgment unless the petition of appeal has been lodged within the time prescribed by rules, or if no time is prescribed within six months from the date of the judgment appealed against, or if leave to appeal has been given then from the date of such leave.

(3.) For the purpose of appeals under this Act, Her Majesty the Queen in Council and the Judicial Committee of the Privy Council shall, subject to rules under this section, have all such powers for making and enforcing judgments, whether interlocutory or final, for punishing contempts, for requiring the payment of money into court, or for any other purpose, as may be necessary, or as were possessed by the High Court of Delegates before the passing of the Act transferring the powers of such court to Her Majesty in Council, or as are for the time being possessed by the High Court in England or by the court appealed from in relation to the like matters as those forming the subject of appeals under this Act.

(4.) All Orders of the Queen in Council or the Judicial Committee of the Privy Council, for the purposes aforesaid or otherwise in relation to appeals under this Act shall have full effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction.

(5.) This section shall be in addition to and not in derogation of the authority of Her Majesty in Council or the Judicial Committee of the Privy Council arising otherwise than under this Act, and all enactments relating to appeals to Her Majesty in Council or to the powers of Her Majesty in Council or the Judicial Committee of the Privy Council in relation to those appeals, whether for making rules and orders or otherwise, shall extend, save as otherwise directed by Her Majesty in Council, to appeals to Her Majesty in Council under this Act.

Rules of court.

7.—(1.) Rules of court for regulating the procedure and practice (including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate, may be made by the same authority and in the same manner as rules touching the practice, procedure, fees, and costs in the said court in the exercise of its ordinary civil jurisdiction respectively are made:

Provided that the rules under this section shall not, save as provided by this Act, extend to matters relating to the slave trade, and shall not (save as provided by this section) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Act, and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed.

(2.) It shall be lawful for Her Majesty in Council, in approving rules made under this section, to declare that the rules so made with respect to any matters which appear to Her Majesty to be matters of detail or of local concern may be

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revoked, varied, or added to without the approval required by this section.

(3.) Such rules may provide for the exercise of any jurisdiction conferred by this Act by the full court, or by any judge or judges thereof, and subject to any rules, where the ordinary civil jurisdiction of the court can in any case be exercised by a single judge, any jurisdiction conferred by this Act may in the like case be exercised by a single judge.

Droits of Admiralty and of the Crown.

8.—(1.) Subject to the provisions of this section nothing in this Act shall alter the application of any droits of Admiralty or droits of or forfeitures to the Crown in a British possession: and such droits and forfeitures, when condemned by a court of a British possession in the exercise of the jurisdiction conferred by this Act, shall, save as is otherwise provided by any other Act, be notified, accounted for, and dealt with in such manner as the Treasury from time to time direct, and the officers of every Colonial Court of Admiralty and of every other court in a British possession exercising Admiralty jurisdiction shall obey such directions in respect of the said droits and forfeitures as may be from time to time given by the Treasury.

(2.) It shall be lawful for Her Majesty the Queen in Council by Order to direct that, subject to any conditions, exceptions, reservations, and regulations contained in the Order, the said droits and forfeitures condemned by a court in a British possession shall form part of the revenues of that possession either for ever or for such limited term or subject to such revocation as may be specified in the Order.

(3.) If and so long as any of such droits or forfeitures by virtue of this or any other Act form part of the revenues of the said possession the same shall, subject to the provisions of any law for the time being applicable thereto, be notified, accounted for, and dealt with in manner directed by the Government of the possession, and the Treasury shall not have any power in relation thereto.

Power to establish Vice-Admiralty Court.

9.—(1.) It shall be lawful for Her Majesty, by commission under the Great Seal, to empower the Admiralty to establish in a British possession any Vice-Admiralty Court or Courts.

(2.) Upon the establishment of a Vice-Admiralty Court in a British possession, the Admiralty, by writing under their hands and the seal of the office of Admiralty, in such form as the Admiralty direct, may appoint a judge, registrar, marshal, and other officers of the court, and may cancel any such appointment; and in addition to any other jurisdiction of such court, may (subject to the limits imposed by this Act or the said commission from Her Majesty) vest in such court the whole or any part of the jurisdiction by or by virtue of this Act conferred upon any courts of that British possession, and may vary or revoke such vesting, and while such vesting is in force the power of such

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last-mentioned courts to exercise the jurisdiction so vested shall be suspended.

Provided that—

(*a*) nothing in this section shall authorise a Vice-Admiralty Court so established in India or in any British possession having a representative legislature, to exercise any jurisdiction, except for some purpose relating to prize, to Her Majesty's Navy, to the slave trade, to the matters dealt with by the Foreign Enlistment Act, 1870, or the Pacific Islanders Protection Acts, 1872 and 1875, or to matters in which questions arise relating to treaties or conventions with foreign countries, or to international law; and

33 & 34 Vict. c. 90. 35 & 36 Vict. c. 19. 38 & 39 Vict. c. 51.

(*b*) in the event of a vacancy in the office of judge, registrar, marshal, or other officer of any Vice-Admiralty Court in a British possession, the Governor of that possession may appoint a fit person to fill the vacancy until an appointment to the office is made by the Admiralty.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council from courts in British possessions in the exercise of the jurisdiction conferred by this Act shall apply to appeals from Vice-Admiralty Courts, but the rules and orders made in relation to appeals from Vice-Admiralty Courts may differ from the rules made in relation to appeals from the said courts in British possessions.

(4.) If Her Majesty at any time by commission under the Great Seal so directs, the Admiralty shall by writing under their hands and the seal of the office of Admiralty abolish a Vice-Admiralty Court established in any British possession under this section, and upon such abolition the jurisdiction of any Colonial Court of Admiralty in that possession which was previously suspended shall be revived.

Power to appoint a vice-admiral.

10. Nothing in this Act shall affect any power of appointing a vice-admiral in and for any British possession or any place therein; and whenever there is not a formally appointed vice-admiral in a British possession or any place therein, the Governor of the possession shall be *ex-officio* vice-admiral thereof.

Exception of Channel Islands and other possessions.

11.—(1.) The provisions of this Act with respect to Colonial Courts of Admiralty shall not apply to the Channel Islands.

(2.) It shall be lawful for the Queen in Council by Order to declare, with respect to any British possession which has not a representative legislature, that the jurisdiction conferred by this Act on Colonial Courts of Admiralty shall not be vested in any court of such possession, or shall be vested only to the partial or limited extent specified in the Order.

Application of Act to courts under Foreign Jurisdiction Acts.

12. It shall be lawful for Her Majesty the Queen in Council by Order to direct that this Act shall, subject to the conditions, exceptions, and qualifications (if any) contained in the Order,

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apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application.

Rules for procedure in slave trade matters.

13.—(1.) It shall be lawful for Her Majesty the Queen in Council by Order to make rules as to the practice and procedure (including fees and costs) to be observed in and the returns to be made from Colonial Courts of Admiralty and Vice-Admiralty Courts in the exercise of their jurisdiction in matters relating to the slave trade, and in and from East African Courts as defined by the Slave Trade (East African Courts) Acts, 1873 and 1879.

36 & 37 Vict. c. 59. 42 & 43 Vict. c. 38.

(2.) Except when inconsistent with such Order in Council, the rules of court for the time being in force in a Colonial Court of Admiralty or Vice-Admiralty Court shall, so far as applicable, extend to proceedings in such court in matters relating to the slave trade.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council, from courts in British possessions in the exercise of the jurisdiction conferred by this Act, shall apply, with the necessary modifications, to appeals from judgments of any East African court made or purporting to be made in exercise of the jurisdiction under the Slave Trade (East African Courts) Acts, 1873 and 1879.

Orders in Council.

14. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes authorised by this Act, and to revoke and vary such Orders, and every such Order while in operation shall have effect as if it were part of this Act.

Interpretation.

15. In the construction of this Act, unless the context otherwise requires—

The expression "representative legislature" means, in relation to a British possession, a legislature comprising a legislative body of which at least one half are elected by inhabitants of the British possession.

The expression "unlimited civil jurisdiction" means civil jurisdiction unlimited as to the value of the subject-matter at issue, or as to the amount that may be claimed or recovered.

The expression "judgment" includes a decree, order, and sentence.

"The expression "appeal" means any appeal, rehearing, or review; and the expression "local appeal" means an appeal to any court inferior to Her Majesty in Council.

The expression "Colonial law" means any Act, ordinance, or other law having the force of legislative enactment in a British possession and made by any authority, other than

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the Imperial Parliament or Her Majesty in Council, competent to make laws for such possession.

Commencement of Act.

16.—(1.) This Act shall, save as otherwise in this Act provided, come into force in every British possession on the first day of July one thousand eight hundred and ninety-one.

Provided that—

(*a.*) This Act shall not come into force in any of the British possessions named in the First Schedule to this Act until Her Majesty so directs by Order in Council, and until the day named in that behalf in such Order; and

(*b.*) If before any day above mentioned rules of court for the Colonial Court of Admiralty in any British possession have been approved by Her Majesty in Council, this Act may be proclaimed in that possession by the Governor thereof, and on such proclamation shall come into force on the day named in the proclamation.

(2.) The day upon which this Act comes into force in any British possession shall, as regards that British possession, be deemed to be the commencement of this Act.

(3.) If, on the commencement of this Act in any British possession, rules of court have not been approved by Her Majesty in pursuance of this Act, the rules in force at such commencement under the Vice-Admiralty Courts Act, 1863, and in India the rules in force at such commencement regulating the respective Vice-Admiralty Courts or Courts of Admiralty in India, including any rules made with reference to proceedings instituted on behalf of Her Majesty's ships, shall, so far as applicable, have effect in the Colonial Court or Courts of Admiralty of such possession, and in any Vice-Admiralty Court established under this Act in that possession, as rules of Court under this Act, and may be revoked and varied accordingly; and all fees payable under such rules may be taken in such manner as the Colonial Court may direct, so however that the amount of each such fee shall so nearly as practicable be paid to the same officer or person who but for the passing of this Act would have been entitled to receive the same in respect of like business. So far as any such rules are inapplicable or do not extend, the rules of court for the exercise by a court of its ordinary civil jurisdiction shall have effect as rules for the exercise by the same court of the jurisdiction conferred by this Act. 26 & 27 Vict. c. 24.

(4.) At any time after the passing of this Act any Colonial law may be passed, and any Vice-Admiralty Court may be established and jurisdiction vested in such Court, but any such law, establishment, or vesting shall not come into effect until the commencement of this Act.

Abolition of Vice-Admiralty Courts.

17. On the commencement of this Act in any British possession, but subject to the provisions of this Act, every

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Vice-Admiralty Court in that possession shall be abolished; subject as follows,—

(1.) All judgments of such Vice-Admiralty Court shall be executed and may be appealed from in like manner as if this Act had not passed, and all appeals from any Vice-Admiralty Court pending at the commencement of this Act shall be heard and determined, and the judgment thereon executed as nearly as may be in like manner as if this Act had not passed:

(2.) All proceedings pending in the Vice-Admiralty Court in any British possession at the commencement of this Act shall, notwithstanding the repeal of any enactment by this Act, be continued in a Colonial Court of Admiralty of the possession in manner directed by rules of court, and, so far as no such rule extends, in like manner, as nearly as may be, as if they had been originally begun in such court:

(3.) Where any person holding an office, whether that of judge, registrar, or marshal, or any other office in any such Vice-Admiralty Court in a British possession, suffers any pecuniary loss in consequence of the abolition of such court, the Government of the British possession, on complaint of such person, shall provide that such person shall receive reasonable compensation (by way of an increase of salary or a capital sum, or otherwise) in respect of his loss, subject nevertheless to the performance, if required by the said Government, of the like duties as before such abolition:

(4.) All books, papers, documents, office furniture, and other things at the commencement of this Act belonging, or appertaining to any Vice-Admiralty Court, shall be delivered over to the proper officer of the Colonial Court of Admiralty or be otherwise dealt with in such manner as, subject to any directions from Her Majesty, the Governor may direct:

(5.) Where, at the commencement of this Act in a British possession, any person holds a commission to act as advocate in any Vice-Admiralty Court abolished by this Act, either for Her Majesty or for the Admiralty, such commission shall be of the same avail in every court of the same British possession exercising jurisdiction under this Act, as if such court were the court mentioned or referred to in such commission.

Repeal.

18. The Acts specified in the Second Schedule to this Act shall, to the extent mentioned in the third column of that schedule, be repealed as respects any British possession as from the commencement of this Act in that possession, and as respects any courts out of Her Majesty's dominions as from the date of any Order applying this Act:

Provided that—

(*a.*) Any appeal against a judgment made before the commencement of this Act may be brought and any such appeal and any proceedings or appeals pending at the

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commencement of this Act may be carried on and completed and carried into effect as if such repeal had not been enacted; and

(*b.*) All enactments and rules at the passing of this Act in force touching the practice, procedure, fees, costs, and returns in matters relating to the slave trade in Vice-Admiralty courts and in East African courts shall have effect as rules made in pursuance of this Act, and shall apply to Colonial Courts of Admiralty, and may be altered and revoked accordingly.

SCHEDULES.

FIRST SCHEDULE.

BRITISH POSSESSIONS IN WHICH OPERATION OF ACT IS DELAYED. Section 16.

New South Wales.
Victoria.
St. Helena.
British Honduras.

SECOND SCHEDULE.

ENACTMENTS REPEALED. Section 18.

Session and Chapter.	Title of Act.	Extent of Repeal.
56 Geo. 3. c. 82.	An Act to render valid the judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during vacancies in office of judges of such courts.	The whole Act.
2 & 3 Will. 4. c. 51.	An Act to regulate the practice and the fees in the Vice-Admiralty Courts abroad, and to obviate doubts as to their jurisdiction.	The whole Act.
3 & 4 Will. 4. c. 41.	An Act for the better administration of justice in His Majesty's Privy Council.	Section two.

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Session and Chapter.	Title of Act.	Extent of Repeal.
6 & 7 Vict. c. 38.	An Act to make further regulations for facilitating the hearing appeals and other matters by the Judicial Committee of the Privy Council.	In section two, the words "or from any Admiralty or Vice-Admiralty Court," and the words "or the Lords Commissioners of Appeals in prize causes or their surrogates." In section three, the words "and the High Court of Admiralty of England," and the words "and from any Admiralty or Vice-Admiralty Court." In section five, from the first "the High Court of Admiralty" to the end of the section. In section seven, the words "and from Admiralty or Vice-Admiralty Courts." Sections nine and ten, so far as relates to maritime causes. In section twelve, the words "or maritime." In section fifteen the words "and Admiralty and Vice-Admiralty."
7 & 8 Vict. c. 69.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled, "An Act for the better administration of justice in His Majesty's Privy Council," and to extend its jurisdiction and powers.	In section twelve, the words "and from Admiralty and Vice-Admiralty Courts," and so much of the rest of the section as relates to maritime causes.
26 Vict. c. 24.	The Vice-Admiralty Courts Act, 1863.	The whole Act.
30 & 31 Vict. c. 45.	The Vice-Admiralty Courts Act Amendment Act, 1867.	The whole Act.
36 & 37 Vict. c. 59.	The Slave Trade (East African Courts) Act, 1873.	Sections four and five.

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Session and Chapter.	Title of Act.	Extent of Repeal.
36 & 37 Vict. c. 88.	The Slave Trade Act, 1873 -	Section twenty as far as relates to the taxation of any costs, charges, and expenses which can be taxed in pursuance of this Act. In section twenty-three the words "under "the Vice-Admiralty "Courts Act, 1863."
38 & 39 Vict. c. 51.	The Pacific Islanders Protection Act, 1875.	So much of section six as authorises Her Majesty to confer Admiralty jurisdiction on any court.

53 & 54 Victoria.—A.D. 1890.

CAP. XXXVII.

An Act to consolidate the Foreign Jurisdiction Acts.

[4th August 1890.]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exercise of jurisdiction in foreign country.

1. It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

Exercise of jurisdiction over British subjects in countries without regular governments.

2. Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign

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country within the meaning of the other provisions of this Act.

Validity of acts done in pursuance of jurisdiction.

3. Every act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country.

Evidence as to existence or extent of jurisdiction in foreign country.

4. If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable time his decision on the question, and his decision shall for the purposes of the proceeding be final.

(2.) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

Power to extend enactments in First Schedule.

5.—(1.) It shall be lawful for Her Majesty the Queen in Council, if She thinks fit, by Order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction.

(2.) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.

Power to send persons charged with offences for trial to a British possession.

6.—(1.) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court.

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Provided that—

(*a.*) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence and whom he alleges himself unable to produce at the trial in the British possession:

(*b.*) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence, certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court:

(*c.*) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial:

(*d,*) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

(2.) Nothing in this section shall alter or repeal any law, statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof.

Provision as to place of punishment of persons convicted.

7. Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place.

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Validity of acts done under Order in Council.

8. Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorised to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court were to have effect wholly within that country.

Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act.

9. It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred, and respecting the enforcement and execution of the judgments, decrees, orders, and sentences of any such court, and respecting appeals therefrom.

Power to amend Orders in Council.

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

Laying before Parliament, and effect of Orders in Council.

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

In what cases Orders in Council void for repugnancy.

12.—(1.) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

(2.) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

Provisions for protection of persons acting under Foreign Jurisdiction Acts.

13.—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this

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Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted—

(*a.*) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted; nor

(*b.*) in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

Jurisdiction over ships in certain Eastern seas.

14. It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

Provision as to subjects of Indian princes.

15. Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

Definitions.

16. In this Act—

The expression "foreign country" means any country or place out of Her Majesty's dominions:

The expression "British court in a foreign country" means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise:

The expression "jurisdiction" includes power.

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Power to repeal or vary Acts in Second Schedule.

17. The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council.

Repeal.

18. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that—

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act, shall, if in force at the passing of this Act, continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

Short title.

19.—(1.) This Act may be cited as the Foreign Jurisdiction Act, 1890.

(2.) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

SCHEDULES.

Sections, 5, 19.

FIRST SCHEDULE.

Session and Chapter.	Title.	Enactments which may be extended by Order in Council.	Short Title.
12 & 13 Vict. c. 96.	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.	The whole Act	Admiralty Offences (Colonial) Act. 1849.
14 & 15 Vict. c. 99.	An Act to amend the law of evidence.	Sections seven and eleven.	Evidence Act, 1851.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Part X.	
19 & 20 Vict. c. 113.	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign tribunals.	The whole Act	Foreign Tribunals Evidence Act. 1856.
22 Vict. c. 20.	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such tribunals.	The whole Act	Evidence by Commission Act, 1859.

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Session and Chapter.	Title.	Enactments which may be extended by Order in Council.	Short Title.
22 & 23 Vict. c. 63.	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	The whole Act	British Law Ascertainment Act, 1859.
23 & 24 Vict. c. 122.	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	The whole Act	Admiralty Offences (Colonial) Act, 1860.
24 & 25 Vict. c. 11.	An Act to afford facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	The whole Act	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	Section eleven.	
37 & 38 Vict. c. 94.	The Conveyancing (Scotland) Act, 1874.	Section fifty-one.	
44 & 45 Vict. c. 69.	The Fugitive Offenders Act, 1881.	The whole Act.	
48 & 49 Vict. c. 74.	The Evidence by Commission Act, 1885.	The whole Act.	

SECOND SCHEDULE.

ACTS WHICH MAY BE REVOKED OR VARIED BY ORDER IN COUNCIL. Section 17.

Session and Chapter.	Title.	Extent of Repeal.
24 & 25 Vict. c. 31.	An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone.	The whole Act.
26 & 27 Vict. c. 35.	An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa.	The whole Act.

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THIRD SCHEDULE.

Section 18.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 94.	The Foreign Jurisdiction Act, 1843.	The whole Act.
20 & 21 Vict. c. 75.	An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam.	The whole Act.
28 & 29 Vict. c. 116.	The Foreign Jurisdiction Act Amendment Act, 1865.	The whole Act.
29 & 30 Vict. c. 87.	The Foreign Jurisdiction Act Amendment Act, 1866.	The whole Act.
33 & 34 Vict. c. 55.	The Siam and Straits Settlements Jurisdiction Act, 1870.	The whole Act.
38 & 39 Vict. c. 85.	The Foreign Jurisdiction Act, 1875.	The whole Act.
39 & 40 Vict. c. 46.	An Act for more effectually punishing offences against the laws relating to the slave trade.	Sections four and six.
41 & 42 Vict. c. 67.	The Foreign Jurisdiction Act, 1878.	The whole Act.

54 & 55 Victoria.—A.D. 1891.

CAP. XXXI.

An Act to enable Her Majesty in Council to carry into effect Conventions which may be made with Foreign Countries respecting Ships engaged in Postal Service.

[21st July 1891.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of Act by Order in Council.

1.—(1.) Where Her Majesty the Queen has made a Convention with a Foreign State respecting the postal service between such Foreign State and the United Kingdom, or respecting the privileges of mail ships, that is to say, ships engaged in any postal service of such Foreign State or of any part of Her Majesty's dominions, it shall be lawful for Her Majesty in Council to order that this Act shall, and this Act shall accordingly, subject to any conditions, exceptions, and qualifications contained in the

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Order, apply, during the continuance of the Order, as regards such Convention and Foreign State, and the postal service and mail ships described in the Convention; and where by virtue of any such Order this Act or any section thereof applies as regards any Convention, Foreign State, postal service, or mail ship, the same is in this Act referred to as a Convention, Foreign State, postal service, or mail ship to which this Act or section applies.

(2.) The Order shall recite or embody the terms of the Convention, and may be varied or revoked by Order in Council, but shall not continue in force for any longer period than the Convention.

(3.) Every Order in Council under this Act shall be laid before both Houses of Parliament forthwith after it is made, or, if Parliament be not then sitting, after the then next meeting of Parliament, and shall also be notified in the London Gazette and published under the authority of Her Majesty's Stationery Office.

Conveyance of letters by crew or passengers of mail ships forbidden.

2.—(1.) Where this section applies to a Convention with a Foreign State, the master of a British mail ship to which this section applies when carrying mails to or from any port of the Foreign State, and the master of a mail ship of the Foreign State to which this section applies when carrying mails to or from any port of the United Kingdom, shall not, nor shall any person on board the ship, whether a passenger or belonging to the ship or any other person, convey in the ship for delivery to another person in the Foreign State or United Kingdom, as the case may be, any letter, other than the letters contained in mail bags entrusted to the master by a postal officer of the United Kingdom or of any Foreign State, or than the despatches sent by the Government either of the United Kingdom or of any Foreign State.

(2.) If a person on board such ship acts in contravention of this section, or refuses or fails on demand to give up to a postal officer, or, if such person is not the master, to the master, any letter so conveyed by him, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(3.) It shall be the duty of the master of the ship to secure the observance of this section by all persons on board the ship, and to inform the proper authorities at the port at which the ship arrives of any breach of this section by any of those persons, and if he wilfully fails to perform that duty he shall be liable to a fine not exceeding five pounds.

(4.) Provided that a person shall not be liable under this section to a fine for any offence for which he has been punished by the law of the Foreign State.

(5.) Nothing in this section shall apply to any letters which if sent from the United Kingdom would be exempted from the exclusive privilege of the Postmaster-General under the Act of the session of the seventh year of King William the Fourth and

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7 Will. 4 & 1 Vict. c. 33.

the first of Her present Majesty, chapter thirty-three, intituled "An Act for the management of the Post Office."

Regulation as to giving of security for ships engaged in postal service.

3.—(1.) Where the owner of any ships, British or Foreign, applies to the High Court in England, and

(*a.*) produces a certificate of a Secretary of State that such owner is subsidised for the execution of any postal service within the meaning of a Convention with a Foreign State to which this Act applies, by reason of receiving from the Foreign State, or from the Government of the United Kingdom or of a British possession, a bonâ fide subsidy for the postal service mentioned in the certificate, and

(*b.*) produces sufficient evidence of the nature of the said service and the number of and the prescribed particulars respecting the ships engaged therein, and

(*c.*) gives notice of the application to the Board of Trade,

the High Court, after hearing the owner, and the Board of Trade if they wish to be heard, shall fix the nature and amount of the security which the owner ought to place under the control of the court for the purposes of this Act as respects the ships engaged in that postal service, and fix the maximum number and tonnage of the ships to which the security is to apply.

(2.) The security shall be the bond of the owner guaranteed either—

(*a.*) by the personal security of a surety, accompanied by an adequate real security given by the surety; or,

(*b.*) by the payment or transfer into court of cash, or of securities of the Government of the United Kingdom.

(3.) If the owner gives such security to the satisfaction of the High Court, then so long as the security is maintained and is sufficient to the satisfaction of the Court, and the number and tonnage of the ships for the time being actually engaged in carrying mails for the postal service in respect of which the security is given does not exceed the number and tonnage of the ships to which the security applies, the ships actually engaged in carrying mails for the said service shall be deemed to be exempted mail ships, and be entitled to the exemptions and privileges given by this Act to exempted mail ships; and the Board of Trade shall give the prescribed notices for informing the arresting authorities that the ships actually engaged in carrying the mails for the said postal service are exempted mail ships.

(4.) Notice of every application respecting any security given in pursuance of this section shall be given to the Board of Trade.

(5.) If at any time it appears to the Board of Trade that a security given as respects ships engaged in any postal service is from any cause (whether pending claims, variation of the conditions of the service, or otherwise) insufficient, the Board of Trade shall apply to the High Court, and that Court, if satisfied of such insufficiency, shall require the security to be made

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sufficient to the satisfaction of the Court within a reasonable time, and direct that in default the ships engaged in the postal service shall cease to be exempted mail ships, and that the Board of Trade shall give the prescribed notices for informing the arresting authorities of such cesser.

(6.) The amount and nature of the security may be varied and the whole security may be withdrawn, and the income of the security may be disposed of, by order of the High Court from time to time on such application either of the shipowners, or of the Board of Trade, or of any person appearing to be interested, and in such manner, and after such notice, and upon such terms and conditions as may be prescribed by rules of court, or, so far as the rules do not extend, as the Court may think just.

(7.) Provided that before the security is actually withdrawn, the High Court shall be satisfied—

(*a.*) that the prescribed notice of the order for withdrawal has been given to the arresting authorities; and

(*b.*) that there is no pending claim for the purposes of which the security may be required;

and upon the prescribed notice of the order for withdrawal being given to an arresting authority, the ships shall, as respects that authority, cease, after the date specified in the notice, to be exempted ships.

(8.) Rules of court may be made for carrying this section into effect, and in particular for regulating the nature, amount, and value of the security to be given, and the mode of giving security, and of giving notices to the arresting authorities, and for providing for the evidence of the exemption of ships under this section, and for the information to be given from time to time to the High Court respecting the ships to which the security applies, and for the jurisdiction of the High Court under this Act being exercised in chambers.

Arrest and execution of process on board exempted mail ships.

4.—(1.) Where this section applies to a Convention with a Foreign State, and an exempted mail ship to which this section applies is in a port in the United Kingdom no person shall be arrested without warrant on board such ship, and before any process civil or criminal authorising the arrest of any person who is on board such ship is executed against that person the following provisions of this section shall be observed; that is to say—

(*a.*) written notice of the intention to arrest a person who is, or is suspected to be, on board the ship, stating the hour at which, if necessary, the ship will be searched, shall, if it is a ship of a Foreign State and there is at the port a consulate of that State, be left at the consulate, addressed to the consular officer:

(*b.*) it shall be the duty of the master upon demand, if the said person is on board his ship, to enable the proper officer to arrest him:

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(*c.*) if the officer is unable to arrest the said person he may, but if it is a foreign ship only after the expiration of such time after notice was left at the consulate as is specified in the convention, search the ship for such person, and if he is found may arrest him.

(2.) The ship may be delayed for the purposes of this section for the time specified in the Convention, but not for any longer time.

(3.) If the master of a ship refuses to permit a search of the ship in accordance with this section, any officer of customs may detain the ship, and such master shall be liable to a fine of five hundred pounds.

(4.) This section shall apply to the arrest of the master in like manner as in the case of any other person.

Exemption from seizure of exempted mail ship.

5.—(1.) An exempted mail ship to which this section applies shall not, subject as in this Act mentioned, be liable to be arrested or detained by any arresting authority either for the purpose of founding jurisdiction in any Court of Admiralty, or of enforcing the payment of any damages, fine, debt, or other claim or sum, or enforcing any forfeiture, whether arising from the misconduct of the master or any of the crew or otherwise, but every court of the United Kingdom by the process of which the ship could have been under the circumstances arrested or detained shall have the same jurisdiction as if the ship had been so arrested or detained, and any legal proceeding in relation to any such matter as aforesaid may be commenced by such service in the United Kingdom of any writ or process as may be prescribed by rules of court, and the High Court, on application, shall, in accordance with rules of court, cause the security to be applied in discharge of any such damages, fine, debt, claim, sum, or forfeiture.

(2.) Provided that nothing in this section shall render invalid the arrest or detention of a ship before the prescribed notice has been given to the arresting authority, but such authority, on proof that the ship is an exempted mail ship, shall release the ship. Where the Commissioners of Customs, in pursuance of any Act or as a condition of waiving any forfeiture, require a deposit to be made by any exempted mail ship to which this section applies, the amount of such deposit shall, on notice from the Commissioners of Customs, and without any further proceeding, be set apart out of the security as money belonging to the said Commissioners, and shall be paid and applied as they direct, and any rules of court relating to such notice, payment, or application shall be made with the consent of the Treasury.

Application of Act to public ships.

6.—(1.) Where the convention with a Foreign State provides that any provisions of the convention similar to those contained in this Act shall in any cases apply to a public ship of a Foreign State when employed as a mail ship, it shall be lawful for Her Majesty the Queen to agree that the like provisions shall apply

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to a public ship of Her Majesty in the like cases when employed as a mail ship, and to give effect to such agreement.

(2.) An Order in Council applying this Act as regards a Convention with a Foreign State may, if it seems to Her Majesty in Council to be consistent with the Convention so to do, apply this Act as regards a public ship of that Foreign State when employed as a mail ship in the cases authorised by the Convention, and this Act shall apply accordingly as if such ship were an exempted mail ship belonging to a private owner, and any person may be arrested on board such ship accordingly.

Legal proceedings.

7.—(1.) Every fine under this Act, if exceeding fifty pounds, may be recovered by action in the High Court in England or Ireland or in the Court of Session in Scotland, and the court in which it is recovered may reduce the amount of such fine, and a fine under this Act not exceeding fifty pounds may be recovered on summary conviction, provided that every offence for which a fine exceeding fifty pounds can be imposed under this Act may be prosecuted on summary conviction, but the fine imposed on such conviction shall not exceed fifty pounds.

(2.) In the case of a summary conviction, any person who thinks himself aggrieved by such conviction may appeal to quarter sessions. In Scotland such person may appeal in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875. 38 & 39 Vict. c. 62.

(3.) Service of any summons or other matter in any legal proceeding under this Act shall be good service if made by leaving the summons for the person to be served on board the ship to which he belongs with the person being or appearing to be master of the ship.

(4.) If a fine under this Act imposed on the master of a ship is not paid, and cannot be recovered out of any security given in pursuance of this Act, the Court may, in addition to any other power for enforcing payment of the fine, direct the amount to be levied by distress or poinding and sale of the ship, her tackle, furniture, or apparel. An officer of customs in detaining a ship or releasing a ship after detention in pursuance of this Act shall act upon such requisition or authority and under such regulations as the Commissioners of Customs make make with the consent of the Treasury.

Application of Act to British possessions.

8.—(1.) An Order in Council may for the purpose of a Convention with a Foreign State apply this Act, subject to any exceptions or modifications not inconsistent with the provisions of this Act, to any British Possession and this Act when so applied shall, subject to those exceptions and modifications, and subject as herein-after mentioned, have effect as if it were re-enacted with the substitution of such British Possession for the United Kingdom;

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Provided that before it is applied to any British Possession named in the schedule to this Act the Government of such possession shall have adhered to the Convention.

(2.) Where this Act applies to a British possession, it shall not be necessary for the owner of any mail ship to give security in any court in that possession, and the provisions of this Act with respect to the jurisdiction of any court of the United Kingdom, other than any jurisdiction relating to the application of the security, shall apply as if a court in the British Possession were substituted for a court of the United Kingdom.

(3.) It shall be lawful for Her Majesty in Council to make rules for carrying into effect, as respects British Possessions, the provisions of this Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the Possession, and to the notices to be given to arresting authorities in the Possession, and the evidence to be receivable by such authorities of the security having been given or withdrawn, and the application of the security in discharge of any damages, fine, debt, claim, sum, or forfeiture, where the same are or is recovered or payable either in the British Possession, or under proceedings pending concurrently in that British Possession and in any other British Possession or the United Kingdom.

(4.) If by any law made either before or after the passing of this Act by the Legislature of any British Possession provision is made for carrying into effect within such Possession any convention to which this Act applies, Her Majesty in Council may suspend the operation within such Possession of this Act or of any part thereof so far as it relates to such convention, and so long as such law continues in force there, or direct that such law or any part thereof shall have effect in such British Possession with or without modifications and alterations as if it were part of this Act.

Definitions.

9. In this Act—

The expression "mail bag" means a mail of letters, or a box, or parcel, or any other envelope in which post letters within the meaning of the Acts relating to the Post Office, are conveyed;

The expression "subsidy" includes a payment for the performance of a contract;

The expression "master of a ship" includes any person in charge of a ship, whether commander, mate, or any other person;

The expression "ship of a Foreign State" means a ship entitled to sail under the flag of a Foreign State:

The expression "arresting authority" means any court, authority, or officer having power to arrest or detain a ship, or to arrest a person on board a ship, or to order such arrest or detention, or to order the execution of any

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process, civil or criminal, for the arrest of a person on board any ship;

The expression "postal officer" means any person employed in the business of the Post Office of the United Kingdom or a British possession or Foreign State, as the case may be, whether employed by the Postmaster-General, or the chief of the Post Office of the British possession, or the chief of the Post Office of the Foreign State, or by any person under him, or on behalf of any such Post Office.

10. This Act may be cited as the Mail Ships Act, 1891. **Short title.**

SCHEDULE.

BRITISH POSSESSIONS TO WHICH ACT IS APPLICABLE ONLY UPON THE GOVERNMENT ADHERING TO CONVENTION. **Section 6.**

British India.	Western Australia.
Dominion of Canada.	Queensland.
Newfoundland.	Tasmania.
New South Wales.	New Zealand.
Victoria.	Cape of Good Hope.
South Australia.	Natal.

55 & 56 Victoria.—A.D. 1892.

CAP. XXIII.

An Act to consolidate Enactments relating to the Marriage of British Subjects outside the United Kingdom. [27th June 1892.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. All marriages between parties of whom one at least is a British subject solemnized in the manner in this Act provided in any foreign country or place by or before a marriage officer within the meaning of this Act shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law. **Validity of marriages solemnized abroad in manner provided by Act.**

2. In every case of a marriage intended to be solemnized under this Act, one of the parties intending marriage shall sign a notice, stating the name, surname, profession, condition, and **Notice to marriage officer of intended marriage.**

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residence of each of the parties, and whether each of the parties is or is not a minor, and give the notice to the marriage officer within whose district both of the parties have had their residence not less than one week then next preceding, and the notice shall state that they have so resided.

Filing in registry and posting up of notice.

3.—(1.) The marriage officer shall file every such notice, and keep it with the archives of his office, and shall also, on payment of the proper fee, forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office, a true copy of every such notice, and shall keep the same so posted up during fourteen consecutive days before the marriage is solemnized under the notice.

(2.) The said book and copy posted up shall be open at all reasonable times, without fee, to the inspection of any person.

Requirement of like consent to marriage as in England, and power to forbid marriage.

4.—(1.) The like consent shall be required to a marriage under this Act as is required by law to marriages solemnized in England.

(2.) Every person whose consent to a marriage is so required may, at any time before the solemnization thereof under this Act, forbid it by writing the word "forbidden" opposite to the entry of the intended marriage in the book of notices, and by subscribing thereto his name and residence, and the character by reason of which he is authorised to forbid the marriage; and if a marriage is so forbidden the notice shall be void, and the intended marriage shall not be solemnized under that notice.

Caveat against marriages may be lodged with marriage officer.

5.—(1.) Any person may on payment of the proper fee enter with the marriage officer a caveat, signed by him or on his behalf, and stating his residence and the ground of his objection against the solemnization of the marriage of any person named therein, and thereupon the marriage of that person shall not be solemnized until either the marriage officer has examined into the matter of the caveat and is satisfied that it ought not to obstruct the solemnization of the marriage, or the caveat is withdrawn by the person entering it.

(2.) In a case of doubt the marriage officer may transmit a copy of the caveat, with such statement respecting it as he thinks fit, to a Secretary of State, who shall refer the same to the Registrar-General, and the Registrar-General shall give his decision thereon in writing to the Secretary of State, who shall communicate it to the marriage officer.

(3.) If the marriage officer refuses to solemnize or to allow to be solemnized in his presence the marriage of any person requiring it to be solemnized, that person may appeal to a Secretary of State, who shall give the marriage officer his decision thereon.

(4.) The marriage officer shall forthwith inform the parties of and shall conform to any decision given by the Registrar-General or Secretary of State.

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When marriage not solemnized within three months a new notice required.

6. Where a marriage is not solemnized within three months next after the latest of the following dates—

(*a.*) the date on which the notice for it has been given to and entered by the marriage officer under this Act; or,

(*b.*) if on a caveat being entered a statement has been transmitted to a Secretary of State, or if an appeal has been made to a Secretary of State, then the date of the receipt from the Secretary of State of a decision directing the marriage to be solemnized,

the notice shall be void, and the intended marriage shall not be solemnized under that notice.

Oath before marriage.

7. Before a marriage is solemnized under this Act, each of the parties intending marriage shall appear before the marriage officer, and make, and subscribe in a book kept by the officer for the purpose, an oath—

(*a.*) that he or she believes that there is not any impediment to the marriage by reason of kindred or alliance, or otherwise; and

(*b.*) that both of the parties have for three weeks immediately preceding had their usual residence within the district of the marriage officer; and

(*c.*) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or, as the case may be, that there is no person having authority to give such consent.

Solemnization of marriage at office in presence of marriage officer and two witnesses.

8.—(1.) After the expiration of fourteen days after the notice of an intended marriage has been entered under this Act, then, if no lawful impediment to the marriage is shown to the satisfaction of the marriage officer, and the marriage has not been forbidden in manner provided by this Act, the marriage may be solemnized under this Act.

(2.) Every such marriage shall be solemnized at the official house of the marriage officer, with open doors, between the hours of eight in the forenoon and three in the afternoon, in the presence of two or more witnesses, and may be solemnized by another person in the presence of the marriage officer, according to the rites of the Church of England, or such other form and ceremony as the parties thereto see fit to adopt, or may, where the parties so desire, be solemnized by the marriage officer.

(3.) Where such marriage is not solemnized according to the rites of the Church of England, then in some part of the ceremony, and in the presence of the marriage officer and witnesses, each of the parties shall declare,

"I solemnly declare, that I know not of any lawful impediment why I *A.B* [*or C.D.*] may not be joined in matrimony to *C.D.* [*or A.B.*]."

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And each of the parties shall say to the other,

"I call upon these persons here present to witness, that I *A.B.* [*or C.D.*] take thee, *C.D.* [*or A.B.*], to be my lawful wedded wife [*or* husband]."

Marriage fees to marriage officer and registration of marriages.

9.—(1.) The marriage officer shall be entitled, for every marriage solemnized under this Act by him or in his presence, to have from the parties married the proper fee.

(2.) He shall forthwith register in duplicate every such marriage in two marriage register books, which shall be furnished to him from time to time for that purpose by the Registrar-General (through a Secretary of State), according to the form provided by law for the registration of marriages in England, or as near to that form as the difference of the circumstances admits.

(3.) The entry in each book of every such marriage shall be signed by the marriage officer, by the person solemnizing the marriage, if other than the marriage officer, by both the parties married, and by two witnesses of the marriage.

(4.) All such entries shall be made in regular order from the beginning to the end of each book, and the number of the entry in each duplicate shall be the same.

(5.) The marriage officer by whom or in whose presence a marriage is solemnized under this Act may ask of the parties to be married the several particulars required to be registered touching the marriage.

Annual forwarding of copies of register book to Secretary of State.

10.—(1.) In January in every year every marriage officer shall make and send to a Secretary of State, to be transmitted by him to the Registrar-General, a copy, certified by him to be a true copy, of all the entries of marriages during the preceding year in the register book kept by him, and if there has been no such entry, a certificate of that fact; and every such copy shall be certified, and a certificate given, under his hand and official seal.

(2.) The marriage officer shall keep the duplicate marriage register books safely until they are filled, and then send one of them to a Secretary of State, to be transmitted by him to the Registrar-General.

Marriage officers and their districts.

11.—(1.) For the purposes of this Act the following officers shall be marriage officers, that is to say:—

(*a.*) Any officer authorised in that behalf by a Secretary of State by authority in writing under his hand (in this Act referred to as a marriage warrant); and

(*b.*) Any officer who, under the marriage regulations hereinafter mentioned is authorised to act as marriage officer without any marriage warrant,

and the district of a marriage officer shall be the area within which the duties of his office are exerciseable, or any such less area as is assigned by the marriage warrant or any other

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warrant of a Secretary of State, or is fixed by the marriage regulations.

(2.) Any marriage warrant of a Secretary of State may authorize to be a marriage officer—

(*a*) a British ambassador residing in a foreign country to the government of which he is accredited, and also any officer prescribed as an officer for solemnizing marriages in the official house of such ambassador;

(*b*) the holder of the office of British consul in any foreign country or place specified in the warrant; and

(*c*) a governor, high commissioner, resident, consular or other officer, or any person appointed in pursuance of the marriage regulations to act in the place of a high commissioner or resident, and this Act shall apply with the prescribed modifications to a marriage by or before a governor, high commissioner, resident, or officer so authorised by the warrant, and in such application shall not be limited to places outside Her Majesty's dominions.

(3.) If a marriage warrant refers to the office without designating the name of any particular person holding the office, then, while the warrant is in force, the person for the time being holding or acting in such office shall be a marriage officer.

(4.) A Secretary of State may, by warrant under his hand, vary or revoke any marriage warrant previously issued under this Act.

(5.) Where a marriage officer has no seal of his office, any reference in this Act to the official seal shall be construed to refer to any seal ordinarily used by him, if authenticated by his signature with his official name and description.

Marriages on board Her Majesty's ships on foreign stations.

12. A marriage under this Act may be solemnized on board one of Her Majesty's ships on a foreign station, and with respect to such marriage—

(*a*) subject to the marriage regulations a marriage warrant of a Secretary of State may authorise the commanding officer of the ship to be a marriage officer;

(*b*) the provisions of this Act shall apply with the prescribed modifications.

Avoidance of objections to marriages on account of want of formalities or authority of officer.

13.—(1.) After a marriage has been solemnized under this Act it shall not be necessary, in support of the marriage, to give any proof of the residence for the time required by or in pursuance of this Act of either of the parties previous to the marriage, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any legal proceeding touching the validity of the marriage.

(2.) Where a marriage purports to have been solemnized and registered under this Act in the official house of a British ambassador or consul, or on board one of Her Majesty's ships, it shall not be necessary, in support of the marriage, to give any proof of the authority of the marriage officer by or before whom

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the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorised marriage officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceeding touching the validity of the marriage.

Forfeiture of property in case of fraudulent marriage.

14. If a marriage is solemnized under this Act by means of any wilfully false notice signed, or oath made by either party to the marriage, as to any matter for which a notice, or oath, is by this Act required, the Attorney-General may sue for the forfeiture of all estate and interest in any property in England accruing to the offending party by the marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized in England according to the rites of the Church of England.

Punishment of false oath or notice.

15. If a person—

(*a*) knowingly and wilfully makes a false oath or signs a false notice, under this Act, for the purpose of procuring a marriage, or

(*b*) forbids a marriage under this Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

such person shall suffer the penalties of perjury, and may be tried in any county in England and dealt with in the same manner in all respects as if the offence had been committed in that county.

Evidence.

16.—(1.) Any book, notice, or document directed by this Act to be kept by the marriage officer or in the archives of his office, shall be of such a public nature as to be admissible in evidence on its mere production from the custody of the officer.

(2.) A certificate of a Secretary of State as to any house, office, chapel, or other place being, or being part of, the official house of a British ambassador or consul shall be conclusive.

Application of Registration Acts to this Act.

17. All the provisions and penalties of the Marriage Registration Acts, relating to any registrar, or register of marriages or certified copies thereof, shall extend to every marriage officer, and to the registers of marriages under this Act, and to the certified copies thereof (so far as the same are applicable thereto), as if herein re-enacted and in terms made applicable to this Act, and as if every marriage officer were a registrar under the said Acts.

Registration of marriages solemnized under local law.

18. Subject to the marriage regulations, a British consul, or person authorised to act as British consul, on being satisfied by personal attendance that a marriage between parties, of whom one at least is a British subject, has been duly solemnized in a foreign country, in accordance with the local law of the country, and on payment of the proper fee, may register the marriage in

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accordance with the marriage regulations as having been so solemnized, and thereupon this Act shall apply as if the marriage had been registered in pursuance of this Act, except that nothing in this Act shall affect the validity of the marriage so solemnized.

Power to refuse solemnization of marriage where marriage inconsistent with international law.

19. A marriage officer shall not be required to solemnize a marriage, or to allow a marriage to be solemnized in his presence, if in his opinion the solemnization thereof would be inconsistent with international law or the comity of nations;

Provided that any person requiring his marriage to be solemnized shall, if the officer refuses to solemnize it or allow it to be solemnized in his presence, have the right of appeal to the Secretary of State given by this Act.

Fees. 54 & 55 Vict. c. 36.

20. The proper fee under this Act shall be such fee as may for the time being be fixed under the Consular Salaries and Fees Act, 1891; and the fee so fixed as respects a consul shall be the fee which may be taken by any marriage officer; and the provisions relating to the levying, application, and remission of and accounting for fees under that Act shall apply to the same when taken by any marriage officer who is not a consul.

Power to make marriage regulations.

21.—(1.) Her Majesty the Queen in Council may make regulations (in this Act referred to as the marriage regulations)—

(*a.*) Prohibiting or restricting the exercise by marriage officers of their powers under this Act in cases where the exercise of those powers appears to Her Majesty to be inconsistent with international law or the comity of nations, or in places where sufficient facilities appear to Her Majesty to exist without the exercise of those powers, for the solemnization of marriages to which a British subject is a party; and

(*b.*) Determining what offices, chapels, or other places are, for the purposes of marriages under this Act, to be deemed to be part of the official house or the office of a marriage officer; and

(*c.*) Modifying in special cases or classes of cases the requirements of this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against clandestine marriages; and

(*d.*) Prescribing the forms to be used under this Act; and

(*e.*) Adapting this Act to marriages on board one of Her Majesty's ships; and to marriages by or before a governor, high commissioner, resident, or other officer, and authorising the appointment of a person to act under this Act in the place of a high commissioner or resident; and

(*f.*) Determining who is to be the marriage officer for the purpose of a marriage in the official house of a British ambassador, or on board one of Her Majesty's ships, whether such officer is described in the regulations or named in pursuance thereof, and authorising such officer to act without any marriage warrant; and

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(*g.*) Determining the conditions under which and the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered under this Act: and

(*h.*) Making such provisions as seem necessary or proper for carrying into effect this Act, or any marriage regulations: and

(*i.*) Varying or revoking any marriage regulations previously made.

(2.) All regulations purporting to be made in pursuance of this section may be made either generally or with reference to any particular case or class of cases, and shall be published under the authority of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and deemed to be within the powers of this Act, and shall while in force have effect as if enacted by this Act.

(3.) Any marriage regulations which dispense for any reason, whether residence out of the district or otherwise, with the requirements of this Act as to residence and notice, may require as a condition or consequence of the dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees as may be prescribed by the regulations; and the provisions of this Act, including those enacting punishments with reference to any false notice or oath, shall apply as if the said notice, certificate, or document were a notice, and such oath were an oath, within the meaning of those provisions.

Validity of marriages solemnized within British lines.

22. It is hereby declared that all marriages solemnized within the British lines by any chaplain or officer or other person officiating under the orders of the commanding officer of a British army serving abroad, shall be as valid in law as if the same had been solemnized within the United Kingdom, with a due observance of all forms required by law.

Saving.

23. Nothing in this Act shall confirm or impair or in anywise affect the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family.

Definitions.

24. In this Act, unless the context otherwise requires,—

The expression "Registrar-General" means the Registrar-General of Births, Deaths, and Marriages in England:

The expression "Attorney-General" means Her Majesty's Attorney-General, or if there is no such Attorney-General, or the Attorney-General is unable or incompetent to act, Her Majesty's Solicitor-General, for England:

The expression "the Marriage Registration Acts" means the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter eighty-six,

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intituled "An Act for registering births, deaths, and marriages in England" and the enactments amending the same:

The expression "official house of a marriage officer" means, subject to the provisions of any marriage regulations, the office at which the business of such officer is transacted, and the official house of residence of such officer, and, in the case of any officer, who is an officer for solemnizing marriages in the official house of an ambassador, means the official house of the ambassador:

The expression "consul" means a consul-general, consul, vice-consul, pro-consul, or consular agent:

The expression "ambassador" includes a minister and a chargé d'affaires:

The expression "prescribed" means prescribed by marriage regulations under this Act.

Commencement of Act.

25. This Act shall come into operation on the first day of January next after the passing thereof.

Repeal and savings.

26.—(1.) The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Provided that—

(*a*) any Order in Council in force under any Act so repealed shall continue in force as if made in pursuance of this Act; and

(*b*) any proceedings taken with reference to a marriage, any register book kept, and any warrant issued in pursuance of the Acts hereby repealed, shall have effect as if taken, kept, and issued in pursuance of this Act; and

(*c*) The fees which can be taken in pursuance of the Acts hereby repealed may continue to be taken in like manner as if fixed in pursuance of the Consular Salaries and Fees Act, 1891, and may be altered accordingly; and

(*d*) The forms prescribed by or in pursuance of the Acts hereby repealed may continue to be used as if prescribed by an Order in Council under this Act.

(2.) Every marriage in fact solemnized and registered by or before a British consul or other marriage officer in intended pursuance of any Act hereby repealed shall, notwithstanding such repeal or any defect in the authority of the consul or the solemnization of the marriage elsewhere than at the consulate, be as valid as if the said Act had not been repealed, and the marriage had been solemnized at the consulate by or before a duly authorised consul;

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Provided that this enactment shall not render valid any marriage declared invalid before the passing of this Act by any competent court, or render valid any marriage either of the parties to which has, before the passing of this Act, lawfully intermarried with any other person.

Short title.

27. This Act may be cited as the Foreign Marriage Act, 1892.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4. c. 91.	An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad.	The whole Act, so far as unrepealed.
12 & 13 Vict. c. 68.	The Consular Marriage Act, 1849.	The whole Act.
31 & 32 Vict. c. 61.	The Consular Marriage Act, 1868.	The whole Act.
33 & 34 Vict. c. 14.	The Naturalization Act, 1870.	In section eleven, the words, "and of the "marriages of persons "married at any of "Her Majesty's em- "bassies or legations."
53 & 54 Vict. c. 47.	The Marriage Act, 1890	The whole Act.
54 & 55 Vict. c. 74.	The Foreign Marriage Act, 1891.	The whole Act.

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55 & 56 Victoria.—A.D. 1892.

CAP. XXXIV.

An Act for dissolving the Corporation styled the Naval Knights of Windsor of the foundation of Samuel Travers, Esquire, and for regulating the application of the property thereof, and for applying and amending the Greenwich Hospital Acts.

[27th June 1892.]

WHEREAS certain persons were incorporated by Royal Charter under the name of the Poor Knights of Windsor, of the foundation of Samuel Travers, Esquire, and the persons eligible for appointment as such knights were superannuated or disabled lieutenants of English men-of-war:

And whereas by Acts passed in the years one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-seven, and one thousand eight hundred and eighty-five, it has been provided that the said poor knights should be styled naval knights, and the conditions of eligibility for appointment as such knights have been altered:

And whereas by reason of the difficulty of finding persons eligible for appointment as such knights, and for other reasons, it is expedient that the said corporation be dissolved, and that such provision be made for dealing with the property thereof as is contained in this Act:

And whereas the terms of the compensation to be paid to the persons who are at the passing of this Act naval knights of the said foundation for the extinguishment of their rights as members of the said corporation have been agreed on between the Admiralty and those persons:

And whereas, under the existing trusts affecting the bequest of Robert Braithwaite to the said foundation, it is provided that in the event of the number of the said naval knights being increased his said bequest is to be transferred to the Marine Society, and the terms of the compensation to be paid to the Marine Society for the extinguishment of their contingent rights under the said trusts have been agreed on between the Admiralty and the Marine Society:

And whereas it is expedient to alter the mode of payment of the rents and profits of Greenwich Hospital to the cash account of Her Majesty's Paymaster General:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Dissolution of Corporation of Naval Knights

1.—(1.) On the passing of this Act the Corporation styled the Naval Knights of Windsor of the foundation of Samuel Travers,

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of Windsor and transfer of property.

Esquire, shall be dissolved, and all property vested in or held in trust for the said corporation or for the members thereof as such, shall be vested in or held in trust for the Admiralty, and shall be discharged of the existing trusts as to the application thereof, including the trusts affecting the said Braithwaite bequest.

(2.) The Admiralty shall, after deducting the necessary and proper expenses of the management of the property transferred to the Admiralty by virtue of this Act, apply the income of the property in granting such pensions to retired officers of the rank of lieutenant in the Navy, or to officers of the Navy who have retired from the active list of lieutenants with the rank of commander in the Navy, and under such conditions, as Her Majesty may from time to time by Order in Council direct, and all such pensions shall be distinguished as Travers pensions.

28 & 29 Vict. c. 89.
32 & 33 Vict. c. 44.
35 & 36 Vict. c. 67.
46 & 47 Vict. c. 32.
48 & 49 Vict. c. 42.

(3.) All the provisions of the Greenwich Hospital Acts, 1865 to 1885, shall have effect as if the property transferred to the Admiralty by virtue of this Act were property vested in the Admiralty by virtue of the Greenwich Hospital Act, 1865, and the capital and revenue thereof were capital and revenue of Greenwich Hospital, except that the accounts of the property transferred to the Admiralty by virtue of this Act shall be kept distinct from the general accounts of Greenwich Hospital, and be shown separately in any statement rendered to Parliament under the Greenwich Hospital Acts, 1865 to 1885.

(4.) The Admiralty shall, out of the property transferred to the Admiralty by virtue of this Act, grant to the persons who are, at the passing of this Act, naval knights of the said foundation, such compensation for the extinguishment of their rights as members of the said corporation as has been agreed on between the Admiralty and those persons, and grant to the Marine Society such compensation for the extinguishment of their contingent rights under the trusts affecting the said Braithwaite bequest as has been agreed on between the Admiralty and that Society.

Payment of rents into Bank.

2. The rents and profits of the lands vested in the Admiralty by virtue of the Greenwich Hospital Act, 1865, and of this Act, shall, as and when received, be paid either with or without deduction of the necessary and proper expenses of management of those lands, and of other necessary and proper outgoings in respect thereof, into the Bank of England to the cash account of Her Majesty's Paymaster General, who shall carry the same to the Greenwich Hospital Income Account, and the account created by this Act respectively.

Repeal of enactments.

3. The enactments specified in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

Short title and construction.

4. This Act may be cited as the Naval Knights of Windsor (Dissolution) Act, 1892, and shall be read with the Greenwich Hospital Acts, 1865 to 1885.

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SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
24 & 25 Vict. c. 116.	An Act for the appropriation in favour of the Military Knights and the Churches of Windsor of two of the Canonries suspended in the Chapel of Windsor, and for making certain provisions respecting the Naval Knights of Windsor.	The whole Act.
30 & 31 Vict. c. 100.	The Naval Knights of Windsor Act, 1867.	The whole Act.
32 & 33 Vict. c. 44.	The Greenwich Hospital Act, 1869.	Section thirteen.
48 & 49 Vict. c. 42.	The Greenwich Hospital Act, 1885.	Section seven.

55 & 56 Victoria.—A.D. 1892.

CAP. XL.

An Act to amend the Acts relating to Superannuation Allowances and Gratuities to Persons in the Public Service so far as respects the computation of successive Service in different Offices where not all subject to the Superannuation Acts, 1834 to 1887, and as respects the application of Section Six of the Superannuation Act, 1887, to Employments of Profit under the Government of India. [27th June 1892.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reckoning of service in one or more public offices.

1.—(1.) The Treasury may, within one month after the passing of this Act, frame rules regulating the superannuation allowance or gratuity which may be granted to persons who have served continuously and successively in two or more public offices as defined by this Act, but are not entitled to reckon for such grant service in all those offices.

(2.) The said rules shall provide for reckoning service according to the rules under the Superannuation Acts, 1834 to 1887, and subject to such reckoning of service, for granting the same superannuation allowance or gratuity to any person as

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might have been granted to him if his whole service had been in the public office from which he ultimately retires.

(3.) The Treasury may determine in each case the funds or accounts out of which the superannuation allowance or gratuity is to be paid, and where it is to be paid out of more than one fund or account, may apportion the amounts to be paid out of each fund or account: Provided that in cases affecting the revenue of India the Secretary of State in Council of India shall determine the amount to be paid therefrom.

Extension to Indian employments of rules under 50 & 51 Vict. c. 67. s. 6.

2. The Treasury may, within one month after the passing of this Act, frame rules for the purpose of extending to employments of profit under the department of the Secretary of State in Council of India, or the Government of India, such of the existing rules under section six of the Superannuation Act, 1887, as do not extend to those employments, and may consolidate the existing rules with the rules so framed.

Rules to be laid before Parliament.

3. A copy of any rules made under this Act shall forthwith be laid before Parliament, and the rules shall not come into operation until three months after such copy is so laid, nor if within those three months either House passes a resolution objecting to them, but if such resolution is passed the Treasury may frame new rules, and this section shall apply as if the passing of the said resolution were substituted for the passing of this Act, and so on as often as occasion may require.

Definitions.

4. In this Act, unless the context otherwise requires—

The expression "public office" means any office or employment (other than any office or employment in Her Majesty's naval or land forces) service in which qualifies for the grant of a superannuation allowance or gratuity, and the remuneration of which is paid out of—

(*a*) the Consolidated Fund of the United Kingdom; or

(*b*) moneys provided by Parliament, or dealt with as appropriations in aid; or

(*c*) the revenue of India; or

(*d*) the revenue of the Isle of Man; or

(*e*) any fund which, from its being administered by a public department, the Treasury may determine to be a public fund;

and includes the office of any existing prison officer within the meaning of the Prisons Act, 1877, the General Prisons (Ireland) Act, 1877, and the Prisons (Scotland) Act, 1877:

40 & 41 Vict. c. 21. 40 & 41 Vict. c. 49. 40 & 41 Vict. c. 53.

The expression "superannuation allowance" includes any pension or superannuation or other retiring allowance.

Commencement of Act.

5. This Act shall take effect as from the first day of January one thousand eight hundred and ninety-one.

Short title and construction. 4 & 5 Will. 4. c. 24.

6. This Act may be cited as the Superannuation Act, 1892.

This Act shall be read as one with the Superannuation Acts, 1834 to 1887, and those Acts and this Act may be cited together as the Superannuation Acts, 1834 to 1892.

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56 & 57 Victoria.—A.D. 1893.

Cap. LXVI.

An Act for the Publication of Statutory Rules.

[21st December 1893.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice of and representation respecting certain draft rules.

1.—(1.) At least forty days before making any statutory rules to which this section applies, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published in the London Gazette.

(2.) During those forty days any public body may obtain copies of such draft rules on payment of not exceeding threepence per folio, and any representations or suggestions made in writing by a public body interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules; and on the expiration of those forty days the rules may be made by the rule-making authority, either as originally drawn or as amended by such authority, and shall come into operation forthwith or at such time as may be prescribed in the rules.

(3.) Any enactment which provides that any statutory rules to which this section applies shall not come into operation for a specified period after they are made is hereby repealed, but this repeal shall not affect section thirty-seven of the Interpretation Act, 1889. 52 & 53 Vict. c. 63.

(4.) The statutory rules to which this section applies are those made in pursuance of any Act of Parliament which directs the statutory rules to be laid before Parliament, but do not include any statutory rules if the same or a draft thereof are required to be laid before Parliament for any period before the rules come into operation, nor do they include rules made by the Local Government Board for England or Ireland, the Board of Trade, or the Revenue Departments, or by or for the purposes of the Post Office; nor rules made by the Board of Agriculture under the Contagious Diseases (Animals) Act, 1878, and the Acts amending the same. 41 & 42 Vict. c. 74. 55 & 56 Vict. c. 47.

(5.) This section shall not apply to Scotland.

(6.) In the case of any rules which it is proposed shall extend to Ireland, publication in the Dublin Gazette of the notice required by this section shall be requisite in addition to, or, if they extend to Ireland only, in lieu of, publication in the London Gazette.

Provisional rules in certain cases.

2. Where a rule-making authority certifies that on account of urgency or any special reason any rule should come into

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immediate operation, it shall be lawful for such authority to make any such rules to come into operation forthwith as provisional rules, but such provisional rules shall only continue in force until rules have been made in accordance with the foregoing provisions of this Act.

Printing, numbering, and sale of statutory rules.

3.—(1.) All statutory rules made after the thirty-first day of December next after the passing of this Act shall forthwith after they are made be sent to the Queen's printer of Acts of Parliament, and shall, in accordance with regulations made by the Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, be numbered, and (save as provided by the regulations) printed, and sold by him.

(2.) Any statutory rules may, without prejudice to any other mode of citation, be cited by the number so given as above mentioned and the calendar year.

(3.) Where any statutory rules are required by any Act to be published or notified in the London, Edinburgh, or Dublin Gazette, a notice in the Gazette of the rules having been made, and of the place where copies of them can be purchased, shall be sufficient compliance with the said requirement.

(4.) Regulations under this section may provide for the different treatment of statutory rules which are of the nature of public Acts, and of those which are of the nature of local and personal or private Acts; and may determine the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of a statutory rule within the meaning of this section, and may provide for the exemption from this section of any such classes.

(5.) In the making of such regulations, each Government department concerned shall be consulted, and due regard had to the views of that department.

Definitions.

4. In this Act—

"Statutory rules" means rules, regulations, or byelaws made under any Act of Parliament which (*a*) relate to any court in the United Kingdom, or to the procedure, practice, costs, or fees therein, or to any fees or matters applying generally throughout England, Scotland, or Ireland; or (*b*) are made by Her Majesty in Council, the Judicial Committee, the Treasury, the Lord Chancellor of Great Britain, or the Lord Lieutenant or the Lord Chancellor of Ireland, or a Secretary of State, the Admiralty, the Board of Trade, the Local Government Board for England or Ireland, the Chief Secretary for Ireland, or any other Government Department,

"Rule-making authority" includes every authority authorised to make any statutory rules.

Short title.

5. This Act may be cited as the Rules Publication Act, 1893.

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57 Victoria.—A.D. 1894.

CAP. II.

An Act to provide for carrying into effect the Award of the Tribunal of Arbitration constituted under a Treaty between Her Majesty the Queen and the United States of America. [23rd April 1894.]

WHEREAS by a treaty between Her Majesty the Queen and the Government of the United States of America various questions which had arisen respecting the taking and preservation of the fur seal in the North Pacific were referred to arbitrators as mentioned in the treaty:

And whereas the award of such arbitrators (in this Act referred to as the Behring Sea Arbitration Award) dated the fifteenth day of August one thousand eight hundred and ninety-three, contained the provisions set out in the First Schedule to this Act; and it is expedient to provide for carrying the same into effect:

Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows

Enactment of articles of arbitrators' award respecting the fur seal.

1.—(1.) The provisions of the Behring Sea Arbitration Award set out in the First Schedule to this Act shall have effect as if those provisions (in this Act referred to as the scheduled provisions) were enacted by this Act, and the acts directed by Articles one and two thereof to be forbidden were expressly forbidden by this Act.

17 & 18 Vict. c. 104.

(2.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854, and the ship employed in such contravention and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act; Provided that the court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding five hundred pounds.

(3.) The provisions of the Merchant Shipping Act, 1854, with respect to official logs (including the penal provisions) shall apply to every vessel engaged in fur seal fishing.

(4.) Every person who forges or fraudulently alters any licence or other document issued for the purpose of Article four or of Article seven in the First Schedule to this Act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document

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shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104.

(5.) Subject to this Act, the provisions of sections one hundred and three and one hundred and four and Part Ten of the Merchant Shipping Act, 1854, and of section thirty-four of the Merchant Shipping Act, 1876, which are set out in the Second Schedule to this Act, shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

39 & 40 Vict. c. 80.

Provision as to ship's papers.

2.—(1.) Where an officer seizes, under this Act, a ship's certificate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

Orders in Council.

3.—(1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for carrying into effect the scheduled provisions, and this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the London Gazette, and shall have effect as if enacted in this Act.

(2.) If there is any contravention of any regulation made by any such Order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding one hundred pounds.

(3.) An Order in Council under this Act may provide, that such officers of the United States of America as are specified in the Order may, in respect of offences under this Act, exercise the like powers under this Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exerciseable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the Order may exercise the powers conferred by this Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

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Liability of master to punishment.

4.—(1.) Where any offence under this Act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this Act:

(2.) Provided that if it is proved that the master issued proper orders for the observance, and used due diligence to enforce the observance of this Act, and the regulations in force thereunder, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master or the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offence to the master or crew or owner of the ship.

Definitions.

5. The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

Short title.

6. This Act may be cited as the Behring Sea Award Act, 1894.

Commencement of Act.

7.—(1.) This Act shall come into operation on the first day of May one thousand eight hundred and ninety-four, provided that Her Majesty in Council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this Act or any part thereof during the period mentioned in the Order, and the same shall be suspended accordingly.

(2.) Where on any proceeding in any court against a person or ship in respect of any offence under this Act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the First Schedule to this Act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

Duration of Act.

8. This Act shall remain in force so long as the scheduled provisions remain in force and no longer:

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty in Council may order that this Act shall, subject to any modifications specified in the order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the First Schedule to this Act.

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SCHEDULES.

FIRST SCHEDULE.

PROVISIONS IN AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED UNDER THE TREATY CONCLUDED AT WASHINGTON ON THE 29TH OF FEBRUARY 1892, BETWEEN HER MAJESTY THE QUEEN AND THE UNITED STATES OF AMERICA.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI. leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said arbitrators, do decide and determine in the mode provided by the Treaty that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and that they should extend over the waters herein-after mentioned; that is to say:—

Article 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles round the Pribiloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

Article 2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending each year from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I. of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

Article 3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Article 4. Each sailing vessel authorised to fish for fur-seals must be provided with a special licence issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log-book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Article 6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring's Sea during the season when it may be lawfully carried on.

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Article 7. The two Governments shall take measures to control the fitness of the men authorised to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Article 8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connexion with other vessels and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea, or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connexion with fur-sealing vessels as heretofore.

Article 9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur-seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

SECOND SCHEDULE.

ENACTMENTS OF MERCHANT SHIPPING ACT (17 & 18 VICT. C. 104.) APPLIED.

SECTION 103.

* * * * *

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SECTION 104.

Officer not liable for any seizure made on reasonable grounds.

No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

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PART X.—LEGAL PROCEDURE.

Application.

Application.

SECTION 517.

Application of Part X. of the Act.

The Tenth Part of this Act shall in all cases where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

Legal Procedure (General).

Legal Procedure (General).

SECTION 518.

Punishment of offences, and recovery of penalties.

In all places within Her Majesty's dominions except Scotland, the offences herein-after mentioned shall be punished and penalties recovered in manner following; (that is to say.)

(1.) Every offence by this Act declared to be a misdemeanour shall be punishable by fine or imprisonment with or without hard labour, and the court before which such offence is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanour had been enumerated in the Act passed in the seventh year of His late Majesty King George the Fourth, chapter sixty-four, or any other Act that may be passed for the like purpose, and may in any other part of Her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanour under any existing Act or Ordinance or as may be payable or allowable under any Act or law for the time being in force therein:

7 Geo. 4. c. 64.

(2.) Every offence declared by this Act to be a misdemeanour shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanour:

(3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall in England and Ireland be prosecuted summarily before any two or more justices, as to England in the manner directed by the Act of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, and as to Ireland in the manner directed by the Act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes: And all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order:

(4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions:

(5.) All offences under this Act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any Act or Ordinance duly made in such possession in such manner as Acts and Ordinances in such possession are required to be made in order to have the force of law.

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SECTION 519.

Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this Act authorised to do. Stipendiary magistrate to have same power as two justices.

SECTION 520.

For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be. Offence where deemed to have been committed.

SECTION 521.

In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this Act or under any other Act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate. Jurisdiction over ships lying off the coasts.

SECTION 522.

Service of any summons or other matter in any legal proceedings under this Act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship. Service to be good if made personally, or on board ship.

SECTION 523.

In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate, who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the said ship, her tackle, furniture, and apparel. Sums ordered to be paid leviable by distress on ship.

SECTION 524.

Any court, justice, or magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof. Application of penalties.

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SECTION 525.

Limitation of time in summary proceedings.

The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same:

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction:

(3.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

(4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction.

And no provision contained in any other Act or Acts, Ordinance or Ordinances for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

SECTION 526.

Document proved without calling attesting witness.

Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

SECTION 527.

Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage.

Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the High Court of Admiralty, or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of Customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of Customs or other officer to whom such order is directed shall detain such ship accordingly.

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SECTION 528.

Power in certain cases to detain ship before application made to judge.

In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

SECTION 529.

Who to be defendant to suit in such cases.

In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Legal Procedure (*Scotland*).

Legal Procedure (*Scotland*).

SECTION 530.

Offences punishable as misdemeanours.

In Scotland every offence which by this Act is described as a felony or misdemeanour may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

SECTION 531.

Summary proceedings.

In Scotland all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

SECTION 532.

Form of complaint.

In Scotland all prosecutions, complaints, actions, or other proceedings under this Act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the Act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

SECTION 533.

Mode of requiring appearance of defender and witnesses.

In Scotland, on any complaint or other proceeding brought in a summary form under this Act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the

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same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compear at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorised by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or inducie shall in such case be necessary.

SECTION 534.

Backing arrestments.

When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

SECTION 535.

Compelling attendance of witnesses.

In all proceedings under this Act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

SECTION 536.

Proceedings to be vivâ voce.

The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted vivâ voce, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

SECTION 537.

Power to adjourn.

It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

SECTION 538.

Sentence to be in writing.

Imprisonment to be inflicted in default of payment.

In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the fifth and sixth years of William the Fourth, intituled "An Act for abolishing, in Scotland, imprisonment for civil debts of "small amount."

5 & 6 W. 4. c. 70.

SECTION 539.

Sentence and penalties in default of defender's appearance.

In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall

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seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

SECTION 540.

Warrant to apprehend in default of appearance.

In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

SECTION 541.

Backing sentences or decrees.

In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

SECTION 542.

Orders not to be quashed for want of form; and to be final.

No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocation, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocation, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

SECTION 543.

General rules so far as applicable, to extend to penalties and proceedings in Scotland.

Such of the general provisions with respect to jurisdiction, procedure and penalties contained in this Act as are not inconsistent with the special rules herein-before laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

ENACTMENT OF MERCHANT SHIPPING ACT, 1876 (39 & 40 VICT. C. 80.), APPLIED.

SECTION 34.

Enforcing detention of ship.

Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on

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the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

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57 & 58 Vict.—A.D. 1894.

CAP. XXXIX.

An Act to make further provisions for the establishment of Prize Courts, and for other purposes connected therewith. [17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Prize Courts Act, 1894.

Constitution of prize courts in British possessions.

2.—(1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as herein-after mentioned being made in the possession.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3.) The said commission and warrant may authorise either a Vice-Admiralty Court or a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, and may establish a Vice-Admiralty Court for that purpose.

53 & 54 Vict. c. 27.

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(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A court duly authorised to act as a prize court during any war shall after the conclusion of the war continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

Rules of court for and fees in prize courts 27 & 28 Vict. c. 25.

3.—(1.) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

(3.) This section shall be substituted for section thirteen of the Naval Prize Act, 1864, which section is hereby repealed. 27 & 28 Vict. c. 25.

(4.) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, is authorised under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act. 53 & 54 Vict. c. 27.

As to Vice-Admiralty Courts.

4. Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

Repeal of 39 & 40 Geo. 3. c. 79. s. 25.

5. Section twenty-five of the Government of India Act, 1800, is hereby repealed.

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57 & 58 Victoria.—A.D. 1894.

CAP. XLV.

An Act to regulate and restrict the wearing of Naval and Military Uniforms. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Uniforms Act, 1894.

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Military uniforms not to be worn without authority.

2.—(1.) It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this enactment shall not prevent—

(*a.*) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's military forces; or

(*b.*) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music hall or circus performance, or in the course of any bonâ fide military representation.

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Penalty for bringing contempt on uniform.

3. If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Interpretation.

4. In this Act—

The expression "Her Majesty's Military Forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers:

The expression "Her Majesty's Naval Forces" means the Navy, the naval coast volunteers, and the naval volunteers.

Commencement.

5. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

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Merchant Shipping Act, 1894.

[57 & 58 VICT. CH. 60.]

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57 & 58 VICTORIA.—A.D. 1894.

CHAP. LX.

An Act to consolidate Enactments relating to Merchant Shipping. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

REGISTRY.

Qualification for owning British Ships.

Qualification for owning British ship.

1. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely,—

(*a.*) Natural-born British subjects:

(*b.*) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession:

(*c.*) Persons made denizens by letters of denization; and

(*d.*) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions:

Provided that any person who either—

(i.) being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state; or

(ii.) has been naturalized or made a denizen as aforesaid;

shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

Obligation to register British Ships.

Obligation to register British ships.

2.—(1.) Every British ship shall, unless exempted from registry, be registered under this Act.

(2.) If a ship required by this Act to be registered is not registered under this Act she shall not be recognised as a British ship.

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(3.) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of the registry of the ship.

Exemptions from registry.

3. The following ships are exempted from registry under this Act:—

(1.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident:

(2.) Ships not exceeding thirty tons burden and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of Saint Lawrence, or on such portions of the coasts of Canada as lie bordering on that gulf.

Procedure for Registration.

Registrars of British ships.

4.—(1.) The following persons shall be registrars of British ships:—

(*a.*) At any port in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the chief officer of Customs:

(*b.*) In Guernsey and Jersey, the chief officers of Customs together with the governor:

(*c.*) In Malta and Gibraltar, the governor:

(*d.*) At Calcutta, Madras, and Bombay, the port officer:

(*e.*) At any other port in any British possession approved by the governor of the possession for the registry of ships, the chief officer of Customs, or, if there is no such officer there resident, the governor of the possession in which the port is situate, or any officer appointed for the purpose by the governor:

(*f.*) At a port of registry established by Order in Council under this Act, persons of the description in that behalf declared by the Order.

(2.) Notwithstanding anything in this section Her Majesty may by Order in Council declare, with respect to any British possession named in the Order, not being the Channel Islands or the Isle of Man, the description of persons who are to be registrars of British ships in that possession.

(3.) A registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

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Register book.

5. Every registrar of British ships shall keep a book to be called the register book, and entries in that book shall be made in accordance with the following provisions:—

(i.) The property in a ship shall be divided into sixty-four shares:

(ii.) Subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner:

(iii.) A person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein:

(iv.) Joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered:

(v.) A corporation may be registered as owner by its corporate name.

Survey and measurement of ship.

6. Every British ship shall before registry be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act, and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Board of Trade, and such certificate shall be delivered to the registrar before registry.

Marking of ship.

7.—(1.) Every British ship shall before registry be marked permanently and conspicuously to the satisfaction of the Board of Trade, as follows:—

(*a.*) Her name shall be marked on each of her bows, and her name and the name of her port of registry must be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

(*b.*) Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

(*c.*) A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures must be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade approve.

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(2.) The Board of Trade may exempt any class of ships from all or any of the requirements of this section, and a fishing boat entered in the fishing boat register, and lettered and numbered in pursuance of the Fourth Part of this Act, need not have her name and port of registry marked under this section.

(3.) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be liable to a fine not exceeding one hundred pounds.

(4.) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.

(5.) If an owner or master of a British ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, that owner, master, or person shall for each offence be liable to a fine not exceeding one hundred pounds, and on a certificate from a surveyor of ships, or Board of Trade inspector under this Act, that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inccuracy has been remedied.

Application for registry.

8. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointors, and, if appointed by a corporation, under the common seal of that corporation.

Declaration of ownership on registry.

9. A person shall not be entitled to be registered as owner of a ship or a share therein until he, or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration of ownership, referring to the ship as described in the certificate of the surveyor, and containing the following particulars:—

(i.) A statement of his qualification to own a British ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship:

(ii.) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name,

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or, in the case of a ship condemned, a statement of the time, place and court at and by which she was condemned:

(iii.) A statement of the name of the master:

(iv.) A statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner:

(v.) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Evidence on first registry.

10.—(1.) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:—

(*a.*) In the case of a British-built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry:

(*b.*) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry:

(*c.*) In the case of a ship condemned by any competent court, an official copy of the condemnation.

(2.) The builder shall grant the certificate required by this section, and such person as the Commissioners of Customs recognise as carrying on the business of the builder of a ship, shall be included, for the purpose of this section, in the expression "builder of the ship."

(3.) If the person granting a builder's certificate under this section wilfully makes a false statement in that certificate he shall for each offence be liable to a fine not exceeding one hundred pounds.

Entry of particulars in register book.

11. As soon as the requirements of this Act preliminary to registry have been complied with the registrar shall enter in the register book the following particulars respecting the ship:—

(*a.*) The name of the ship and the name of the port to which she belongs:

(*b.*) The details comprised in the surveyor's certificate:

(*c.*) The particulars respecting her origin stated in the declaration of ownership: and

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(*d.*) The name and description of her registered owner or owners, and if there are more owners thn one, the proportions in which they are interested in her.

Documents to be retained by registrar.

12. On the registry of a ship the registrar shall retain in his possession the following documents; namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation (if any), and all declarations of ownership.

Port of registry.

13. The port at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Certificate of Registry.

Certificate of registry.

14. On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, with the name of her master.

Custody of certificate.

15.—(1.) The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, on, or in the ship.

(2.) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registry when in his possession or under his control to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery, any justice by warrant under his hand and seal, or any court capable of taking cognizance of the matter, may summon the person so refusing to appear before such justice or court, and to be examined touching such refusal, and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal, the offender shall be liable to a fine not exceeding one hundred pounds, but if it is shown to such justice or court that the certificate is lost, the person summoned shall be discharged, and the justice or court shall certify that the certificate of registry is lost.

(3.) If the person so refusing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for use of improper certificate.

16. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall, in respect of each offence, be guilty

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of a misdemeanour, and the ship shall be subject to forfeiture under this Act.

Power to grant new certificate.

17. The registrar of the port of registry of a ship may, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

Provision for loss of certificate.

18.—(1.) In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate.

(2.) If the port (having a British registrar or consular officer) at which the ship is at the time of the event, or first arrives after the event—

(*a*) is not in the United Kingdom, where the ship is registered in the United Kingdom; or,

(*b*) is not in the British possession in which the ship is registered; or,

(*c*) where the ship is registered at a port of registry established by Order in Council under this Act, is not that port;

then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the registrar or consular officer, as the case may be, shall thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3.) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, where she is registered in the United Kingdom, or in the British possession in which she is registered, or where she is registered at a port of registry established by Order in Council under this Act at that port, be delivered up to the registrar of her port of registry, and the registrar shall thereupon grant the new certificate of registry; and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid, he shall be liable to a fine not exceeding fifty pounds.

Endorsement of change of master on certificate.

19. Where the master of a registered British ship is changed, each of the following persons; (that is to say,)

(*a*) if the change is made in consequence of the sentence of a naval court, the presiding officer of that court; and

(*b*) if the change is made in consequence of the removal of the master by a court under Part VI. of this Act, the proper officer of that court; and

(*c*) if the change occurs from any other cause, the registrar, or if there is none the British consular officer, at the port where the change occurs,

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shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Registrar-General of Shipping and Seamen; and any officer of customs at any port in Her Majesty's dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

Endorsement of change of ownership on certificate.

20.—(1.) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on her certificate of registry either by the registrar of the ship's port of registry, or by the registrar of any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registry.

(2.) The master shall, for the purpose of such endorsement by the registrar of the ship's port of registry, deliver the certificate of registry to the registrar, forthwith after the change if the change occurs when the ship is at her port of registry, and if it occurs during her absence from that port and the endorsement under this section is not made before her return then upon her first return to that port.

(3.) The registrar of any port, not being the ship's port of registry, who is required to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registry, so that the ship be not thereby detained, and the master shall deliver the same accordingly.

(4.) If the master fails to deliver to the registrar the certificate of registry as required by this section he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

Delivery up of certificate of ship lost or ceasing to be British owned.

21.—(1.) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt, or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, to be a British ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry, and that registrar shall make an entry thereof in the register book.

(2.) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the registrar, or, if there is none, to the British consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry.

(3.) If any such owner or master fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

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Provisional certificate for ships becoming British owned abroad.

22.—(1.) If at a port not within Her Majesty's dominions and not being a port of registry established by Order in Council under this Act, a ship becomes the property of persons qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating—

(*a*) the name of the ship;

(*b*) the time and place of her purchase, and the names of her purchasers;

(*c*) the name of her master; and

(*d*) the best particulars respecting her tonnage, build, and description which he is able to obtain;

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar-General of Shipping and Seamen.

(2.) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from its date, or until the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

Temporary passes in lieu of certificates of registry.

23. Where it appears to the Commissioners of Customs, or to the governor of a British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from any port in Her Majesty's dominions to any other port within Her Majesty's dominions, the Commissioners or the governor may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

Transfers and Transmissions.

Transfer of ships or shares.

24.—(1.) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale.

(2.) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be in the form marked A in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

Declaration of transfer.

25. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing—

(*a*) a statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such

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circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and

(*b*) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Registry of transfer.

26.—(1.) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

(2.) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar.

Transmission of property in ship on death, bankruptcy, marriage, &c.

27.—(1.) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage, death, or bankruptcy of any registered owner, or by any lawful means other than by a transfer under this Act—

(*a*.) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements herein-before required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.

(*b*.) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner.

(*c*.) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.

(*d*.) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

(2.) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall, for the purpose of the provision of this Act with respect to the

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number of persons entitled to be registered as owners, be considered as one person.

Order for sale on transmission to unqualified person.

28.—(1.) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise to a person not qualified to own a British ship, then—

if the ship is registered in England or Ireland, the High Court; or

if the ship is registered in Scotland, the Court of Session; or

if the ship is registered in any British possession, the court having the principal civil jurisdiction in that possession; or

if the ship is registered in a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there;

may on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

(2.) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3.) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding in the whole one year from the date of the occurrence) as the court allow.

(4.) If such an application is not made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

Transfer of ship or sale by order of court.

29. Where any court, whether under the preceding sections of this Act or otherwise, order the sale of any ship or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

Power of court to prohibit transfer.

30. Each of the following courts; namely,—

(*a*) in England or Ireland the High Court,

(*b*) in Scotland the Court of Session,

(*c*) in any British possession the court having the principal civil jurisdiction in that possession; and

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(*d*) in the case of a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there,

may, if the court think fit (without prejudice to the exercise of any other power of the court), on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Name of Ship.

Rules as to name of ship.

47.—(1.) A ship shall not be described by any name other than that by which she is for the time being registered.

(2.) A change shall not be made in the name of a ship without the previous written permission of the Board of Trade.

(3.) Application for that permission shall be in writing, and if the Board are of opinion that the application is reasonable they may entertain it, and thereupon require notice thereof to be published in such form and manner as they think fit.

(4.) On permission being granted to change the name, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.

(5.) If it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without their permission they shall direct that her name be altered into that which she bore before the change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly.

(6.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of the previous registry (proof whereof shall lie on him) shall apply to register, and no registrar shall knowingly register, the ship, except by the name by which she was previously registered, unless with the previous written permission of the Board of Trade.

(7.) Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register, the ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the previous written permission of the Board of Trade.

(8.) If any person acts, or suffers any person under his control to act, in contravention of this section, or omits to do, or suffers any person under his control to omit to do, anything required by this section, he shall for each offence be liable to a fine not exceeding one hundred pounds, and (except in the case of an

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application being made under the section with respect to a foreign ship which not having at any previous time been registered as a British ship has become a British ship) the ship may be detained until this section is complied with.

Registry of Alterations, Registry anew, and Transfer of Registry.

Registry of alterations.

48.—(1.) When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a registrar, that registrar, or, if it is made elsewhere, the registrar of the first port having a registrar at which the ship arrives after the alteration, shall, on application being made to him, and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered, or direct that the ship be registered anew.

(2.) On failure to register anew a ship or to register an alteration of a ship so altered as aforesaid, that ship shall be deemed not duly registered, and shall not be recognised as a British ship.

Regulations for registry of alteration.

49.—(1.) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of the alteration.

(2.) The particulars of the alteration so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his register book; and for that purpose the registrar to whom the application for the registry of the alteration has been made (if he is not the registrar of the ship's port of registry), shall forthwith report to the last-mentioned registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

Provisional certificate and endorsement where ship is to be registered anew.

50.—(1.) Where any registrar, not being the registrar of the ship's port of registry, on an application as to an alteration in a ship directs the ship to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2.) Every such provisional certificate, or certificate provisionally endorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she is registered in the United Kingdom, or, if she is registered in a British possession, at her port of discharge in that British possession, or, if she is registered at a port of registry established by Order in Council under this Act, at that port, be

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delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew.

(3.) The registrar granting a provisional certificate under this section, or provisionally endorsing a certificate, shall add to the certificate or endorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the registrar of the ship's port of registry, containing a similar statement as the certificate or endorsement.

Registry anew on change of ownership.

51.—Where the ownership of any ship is changed, the registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew, although registration anew is not required under this Act.

Procedure for registry anew.

52.—(1.) Where a ship is to be registered anew, the registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof.

(2.) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register, and the registry anew shall not in any way affect the rights of any of those persons.

Transfer of registry.

53.—(1.) The registry of any ship may be transferred from one port to another on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

(2.) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

(3.) The ship's certificate of registry shall be delivered up to the registrar either of the existing or intended port of registry, and, if delivered up to the former, shall be transmitted to the registrar of the intended port of registry.

(4.) On the receipt of the above documents the registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at the new port of registry, and the name

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of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

Restrictions on re-registration of abandoned ships.

54. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, the ship shall not be re-registered until she has, at the expense of the applicant for registration, been surveyed by a surveyor of ships and certified by him to be seaworthy.

Returns, Evidence, and Forms.

Returns to be made by registrars.

63.—(1.) Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar at such times as may be fixed by the Registrar-General of Shipping and Seamen, transmit to him a full return, in such form as the said Registrar-General may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the said Registrar-General.

(2.) Every registrar at a port in the United Kingdom shall on or before the first day of February and the first day of August in every year transmit to the Registrar-General of Shipping and Seamen a list of all ships registered at that port, and also of all ships whose registers have been transferred or cancelled at that port since the last preceding return.

Evidence of register book, certificate of registry, and other documents.

64.—(1.) A person, on payment of a fee not exceeding one shilling, to be fixed by the Commissioners of Customs, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book.

(2.) The following documents shall be admissible in evidence in manner provided by this Act; namely,—

(*a.*) Any register book under this Part of this Act on its production from the custody of the registrar or other person having the lawful custody thereof;

(*b.*) A certificate of registry under this Act purporting to be signed by the registrar or other proper officer;

(*c.*) An endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer;

(*d.*) Every declaration made in pursuance of this Part of this Act in respect of a British ship.

(3.) A copy or transcript of the register of British ships kept by the Registrar-General of Shipping and Seamen under the direction of the Board of Trade shall be admissible in evidence in manner provided by this Act, and have the same effect to all intents as the original register of which it is a copy or transcript.

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Forms of documents, and instructions as to registry.

65.—(1.) The several instruments and documents specified in the second part of the First Schedule to this Act shall be in the form prescribed by the Commissioners of Customs, with the consent of the Board of Trade, or as near thereto as circumstances permit; and the Commissioners of Customs may, with the consent of the Board of Trade, make such alterations in the forms so prescribed, and also in the forms set out in the first part of the said schedule, as they may deem requisite.

(2.) A registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or share, or any interest therein, which is made in any form other than that for the time being required under this Part of this Act, or which contains any particulars other than those contained in such form; but the said Commissioners shall, before altering the forms, give such public notice thereof as may be necessary in order to prevent inconvenience.

(3.) The Commissioners of Customs shall cause the said forms to be supplied to all registrars under this Act for distribution to persons requiring to use the same, either free of charge, or at such moderate prices as they may direct.

(4.) The Commissioners of Customs, with the consent of the Board of Trade, may also, for carrying into effect this Part of this Act, give such instructions to their officers as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Part of this Act, as they think fit.

Forgery and False Declarations.

Forgery of documents.

66. If any person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any of the following documents, namely any register book, builder's certificate, surveyor's certificate certificate of registry, declaration bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Act, or any entry or endorsement required by this Part of this Act to be made in or on any of those documents, that person shall in respect of each offence be guilty of felony.

False declarations.

67.—(1.) If any person in the case of any declaration made in the presence of or produced to a registrar under this Part of this Act, or in any document or other evidence produced to such registrar—

(i) wilfully makes, or assists in making, or procures to be made any false statement concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship; or

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(ii) utters, produces, or makes use of any declaration, or document containing any such false statement knowing the same to be false,

he shall in respect of each offence be guilty of a misdemeanour.

(2.) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein, he shall for each offence be guilty of a misdemeanour, and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

National Character and Flag.

National character of ship to be declared before clearance.

68.—(1.) An officer of Customs shall not grant a clearance or transire for any ship until the master of such ship has declared to that officer the name of the nation to which he claims that she belongs, and that officer shall thereupon inscribe that name on the clearance or transire.

(2.) If a ship attempts to proceed to sea without such clearance or transire, she may be detained until the declaration is made.

Penalty for unduly assuming British character.

69.—(1.) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2.) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same.

Penalty for concealment of British or assumption of foreign character.

70. If the master or owner of a British ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by British law to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, shall in respect of each offence be guilty of a misdemeanour.

Penalty for acquiring ownership if unqualified.

71. If an unqualified person acquires as owner, otherwise than by such transmission as herein-before provided for, any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, that interest shall be subject to forfeiture under this Act.

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Liabilities of ships not recognised as British.

72. Where it is declared by this Act that a British ship shall not be recognised as a British ship, that ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships nor to use the British flag or assume the British national character, but so far as regards the payment of dues, the liability to fines and forfeiture, and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised British ship.

National colours for ships, and penalty on carrying improper colours.

73.—(1.) The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

(2.) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, of if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject without warrant from Her Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding five hundred pounds.

(3.) Any commissioned officer on full pay in the military or naval service of Her Majesty, or any officer of customs in Her Majesty's dominions, or any British consular officer, may board any ship or boat on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty.

(4.) A fine under this section may be recovered with costs in the High Court in England or Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within Her Majesty's dominions.

(5.) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered, summarily, provided that—

(*a*) where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than one hundred pounds; and

(*b*) nothing in this section shall authorise the imposition of more than one fine in respect of the same offence.

Penalty on ship not showing colours.

74.—(1.) A ship belonging to a British subject shall hoist the proper national colours—

(*a*) on a signal being made to her by one of Her Majesty's ships (including any vessel under the command of an officer of Her Majesty's navy on full pay), and

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(*b*) on entering or leaving any foreign port, and

(*c*) if of fifty tons gross tonnage or upwards, on entering or leaving any British port.

(2.) If default is made on board any such ship in complying with this section, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) This section shall not apply to a fishing boat duly entered in the fishing boat register and lettered and numbered as required by the Fourth Part of this Act.

Saving for Admiralty.

75. The provisions of this Act with respect to colours worn by merchant ships shall not affect any other power of the Admiralty in relation thereto.

Forfeiture of Ship.

Proceedings on forfeiture of ship.

76.—(1.) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act,

(*a*) any commissioned officer on full pay in the military or naval service of Her Majesty;

(*b*) any officer of customs in Her Majesty's dominions; or

(*c*) any British consular officer,

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, and elsewhere before any Colonial Court of Admiralty or Vice-Admiralty Court in Her Majesty's dominions, and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship, or any share therein, as the court think fit.

(2.) Any such officer as in this section mentioned shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, if it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

Measurement of Ship and Tonnage.

Rules for ascertaining register tonnage.

77.—(1.) The tonnage of every ship to be registered, with the exceptions herein-after mentioned, shall, previously to her being registered, be ascertained by Rule I. in the Second Schedule to this Act, and the tonnage of every ship to which that Rule I. can be applied, whether she is about to be registered or not, shall be ascertained by the same Rule.

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(2.) Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by Rule I., shall be measured by Rule II. in the said schedule, and the owner of any ship measured under Rule II. may at any subsequent period apply to the Board of Trade to have the ship re-measured under Rule I., and the Board may thereupon, upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorise, direct the ship to be re-measured accordingly, and the number denoting the register tonnage shall be altered accordingly.

(3.) For the purpose of ascertaining the register tonnage of a ship the allowance and deductions herein-after mentioned shall be made from the tonnage of the ship ascertained as aforesaid.

(4.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

(5.) In ascertaining the tonnage of open ships Rule IV. in the said schedule shall be observed.

(6.) Throughout the rules in the Second Schedule to this Act, the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships, and in carrying those rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.

(7.) The Board of Trade may make such modifications and alterations as from time to time become necessary in the rules in the Second Schedule to this Act for the purpose of the more accurate and uniform application thereof, and the effectual carrying out of the principle of measurement therein adopted.

(8.) The provisions of this Act relating to tonnage, together with the rules for the time being in force, are in this Act referred to as the tonnage regulations of this Act.

Allowance for engine-room space in steam-ships.

78.—(1.) In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned, and the remainder shall (subject to any deductions herein-after mentioned) be deemed to be the register tonnage of the ship, and that deduction shall be estimated as follows; (that is to say,)

(*a.*) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, the deduction shall be thirty-seven one-hundredths of the gross tonnage; and in ships propelled by screws, in which the tonnage of such space is

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above thirteen per cent. and under twenty per cent. of the gross tonnage, the deduction shall be thirty-two one-hundredths of the gross tonnage:

(*b.*) As regards all other ships, the deduction shall, if the Board of Trade and the owner both agree thereto, be estimated in the same manner; but either they or he may, in their or his discretion, require the space to be measured and the deduction estimated accordingly; and whenever the measurement is so required, the deduction shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one-half, and in the case of ships propelled by screws of three-fourths of the tonnage of the space; and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space; and the measurement of the space shall be governed by Rule III. in the Second Schedule to this Act.

(2.) Such portion of the space above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, but shall not be included in pursuance of that request unless—

(*a*) that portion is first included in the measurement of the gross tonnage; and

(*b*) a surveyor of ships certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

(3.) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any ship, the master and owner of the ship shall each be liable to a fine not exceeding one hundred pounds.

Deductions for ascertaining tonnage.

79.—(1.) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage, namely:—

(*a.*) In the case of any ship—

(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations scheduled to this Act with regard thereto.

(ii) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores: and

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(iii) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship; and

(*b.*) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails.

(2.) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions; namely,—

(*a.*) The space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended:

(*b.*) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship:

(*c.*) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

80. In the case of a screw steamship which, on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, had an engine-room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Board of Trade, be measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with that addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued.

Measurement of ships with double bottoms for water ballast.

81. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo, stores, or fuel, then the depth required by the provisions of Rule I. relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that Rule.

Tonnage once ascertained to be the tonnage of ship.

82. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall thenceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed: and in either of those cases the ship shall be re-measured, and her tonnage determined and registered according to the tonnage regulations of this Act.

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83. Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those specified in the Third Schedule to this Act, and those fees shall be paid into the Mercantile Marine Fund. Fees for measurement.

84.—(1.) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, without being re-measured in Her Majesty's dominions, be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a British ship is deemed to be the tonnage of that ship. Tonnage of ships of foreign countries adopting tonnage regulations.

(2.) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty may deem expedient, and the operation of the Order shall be limited and modified accordingly.

(3.) If it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be re-measured in accordance with this Act.

85.—(1.) If any ship, British or foreign, other than a home trade ship as defined by this Act, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by those goods at the time at which the dues become payable. Space occupied by deck cargo to be liable to dues.

(2.) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.

(3.) The tonnage of the space shall be ascertained by an officer of the Board of Trade or of Customs in manner directed as to the measurement of poops or other closed-in spaces by Rule I. in the Second Schedule to this Act, and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

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(4.) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, or to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

Surveyors and regulations for measurement of ships.

86. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade.

Levy of tonnage rates under local Acts on the registered tonnage.

87. Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

Ports of Registry in Place under Foreign Jurisdiction Act.

Foreign ports of registry. 53 & 54 Vict. c. 37.

88. Where, in accordance with the Foreign Jurisdiction Act, 1890, Her Majesty exercises jurisdiction within any port, it shall be lawful for Her Majesty, by Order in Council, to declare that port a port of registry, and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships at that port of registry, and to make regulations with respect to the registry of British ships thereat.

Registry in Colonies.

Powers of governors in colonies.

89. In every British possession the governor of the possession shall occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in that possession, and shall have power to approve a port within the possession for the registry of ships.

Terminable certificates of registry for small ships in colonies.

90.—(1.) The governor of a British possession may, with the approval of a Secretary of State, make regulations providing that, on an application for the registry under this Act in that possession of any ship which does not exceed sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of six months or any longer period from the granting thereof, and all certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations provide.

(2.) Any ship to which a certificate is granted under any such regulations shall, while that certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a registered British ship.

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Application of Part I.

91. This Part of this Act shall apply to the whole of Her Majesty's dominions, and to all places where Her Majesty has jurisdiction. Application of Part I.

PART II.

MASTERS AND SEAMEN.

Certificates of Competency.

92.—(1.) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom, and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale:— Certificates of competency to be held by officers of ships.

(*a.*) In any case with a duly certificated master:

(*b.*) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate in the case of a foreign-going ship, or of mate in the case of a home trade passenger ship:

(*c.*) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated:

(*d.*) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated:

(*e.*) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2.) If any person—

(*a*) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated; or

(*b*) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine not exceeding fifty pounds.

(3.) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

93.—(1.) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades; (that is to say,) Grades of certificates of competency.

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Master of a foreign-going ship:
First mate of a foreign-going ship:
Second mate of a foreign-going ship:
Only mate of a foreign-going ship:
Master of a home trade passenger ship:
Mate of a home trade passenger ship:
First-class engineer:
Second-class engineer.

(2.) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

Examinations for certificates of competency.

94.—(1.) For the purpose of granting certificates of competency as masters, or mates, to persons desirous of obtaining the same, examinations shall be held by Local Marine Boards at their respective ports.

(2.) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—

(*a*) the conduct of the examinations; and

(*b*) the qualification of the applicants:

and may depute any of their officers to attend and assist at any examination.

(3.) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners, and an examiner shall not be appointed unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade.

(4.) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners, provide that the examination be so held, and require the Local Marine Boards of those ports to act as one board for the purpose of the examination.

(5.) Subject to the powers of the Board of Trade under this section the Local Marine Board may appoint, remove, and reappoint examiners, and regulate the conduct of the examinations, and any member of the Local Marine Board may be present at and assist at the examinations held by that Board.

Examinations by Board of Trade in certain cases.

95. Where the business of a mercantile marine office is conducted otherwise than under a Local Marine Board, the Board of Trade may exercise all such powers and make all such provisions for the holding of examinations as may be exercised and made by a Local Marine Board.

Engineers certificates of competency.

96.—(1.) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct.

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(2.) The Board of Trade may appoint times for the examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

Fees on examination.

97. An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in the Fourth Schedule to this Act, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.

Grant of certificates on passing examination.

98.—(1.) The Board of Trade shall, subject as herein-after mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

(2.) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificates of service for naval officers.

99.—(1.) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination.

(2.) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

(3.) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4.) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.

Form and record of certificate.

100.—(1.) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

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(2.) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.

(3.) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

Loss of certificate.

101. If a master, mate, or engineer prove to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

Colonial certificates of competency.

102. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council—

(i) declare that the said certificates shall be of the same force as if they had been granted under this Act: and

(ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order: and

(iii) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

Production of certificates of competency to superintendent.

103.—(1.) The master of a foreign-going ship—

(*a*) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold: and

(*b*) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate

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or engineer then first engaged by him who is required by this Act to hold a certificate.

(2.) The master or owner of every home trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.

(3.) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.

(4.) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.

104. If any person—

Forgery, &c. of certificate of competency.

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or

(*b*) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or

(*c*) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(*d*) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanour.

Apprenticeship to the Sea Service.

105. All superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

Assistance given by superintendents as to apprenticeship.

106. Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by

Apprenticeships of paupers in Great Britain and Ireland.

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such boards or persons; and if made in Ireland, be subject to the following regulations:—

(*a.*) The board of guardians or other persons in any poor law union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:

(*b.*) If the cost of relieving the boy is chargeable to an electoral division of a poor law union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture:

(*c.*) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed;

(*d.*) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland:

(*e.*) The amount of the costs incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

Attestation of pauper apprenticeship.

107. Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians, or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength, and that the person to whom the boy is bound is a proper person for the purpose.

Special provisions as to apprenticeship to the sea service.

108.—(1.) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.

(2.) Every indenture of apprenticeship to the sea service, made in the United Kingdom, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded:

(3.) For the purpose of the record—

(*a*) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture

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take or transmit to the Registrar-General of Shipping and Seamen, or to a superintendent, the indenture executed in duplicate, and the Registrar-General or superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice;

(*b*) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar-General of Shipping and Seamen, or to a superintendent, within seven days of the occurrence, if it occurs within the United Kingdom; or, as soon as circumstances permit, if it occurs elsewhere.

(4.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Production of indentures to superintendent before voyage in foreign-going ship.

109.—(1.) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in the United Kingdom, cause the apprentice to appear before the superintendent before whom the crew are engaged, and shall produce to the superintendent the indenture by which the apprentice is bound, and every assignment thereof.

(2.) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew.

(3.) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Licences to supply Seamen.

Licence for supply of seamen.

110. The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper.

Penalty for engaging seamen without licence.

111.—(1.) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

(2.) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

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(3.) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4.) If a person acts in contravention of this section he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his licence.

Penalty for receiving remuneration from seamen for engagement.

112.—(1.) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act.

(2.) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Engagement of Seamen.

Agreements with crew.

113.—(1.) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.

(2.) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each offence be liable to a fine not exceeding five pounds.

Form, period, and conditions of agreements with crew.

114.—(1.) An agreement with the crew shall be in a form approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

(2.) The agreement with the crew shall contain as terms thereof the following particulars:—

(*a.*) Either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend:

(*b.*) The number and description of the crew, specifying how many are engaged as sailors:

(*c.*) The time at which each seaman is to be on board or to begin work:

(*d.*) The capacity in which each seaman is to serve:

(*e.*) The amount of wages which each seaman is to receive:

(*f.*) A scale of the provisions which are to be furnished to each seaman:

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(*g.*) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(3.) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4.) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade.

Special provisions as to agreements with crew of foreign-going ships.

115. The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom :—

(1.) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent:

(2.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:

(3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship:

(4.) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(5.) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements:

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(6.) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival:

(7.) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds:

(8.) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master:

(9.) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct.

Special provisions as to agreements with crew of home-trade ships.

116. The following provisions shall have effect with respect to the agreements with the crew of home trade ships for which an agreement with the crew is required under this Act:—

(1.) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement:

(2.) Crews or single seamen may, if the master think fit, be engaged before a superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible, cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(3.) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly:

(4.) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty-first day of December or

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the first arrival of the ship at her final port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

Changes in crew of foreign-going ship to be reported.

117.—(1.) The master of every foreign-going ship whose crew has been engaged before a superintendent shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent, a full and accurate statement, in a form approved by the Board or Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate as to agreements with crew of foreign-going ships.

118.—(1.) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

(2.) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.

(3.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate as to agreements with crew of home trade ships.

119.—(1.) The master or owner of a home trade ship of more than eighty tons burden shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United

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Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.

(2.) The superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.

(3.) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Copy of agreement to be made accessible to crew.

120.—(1.) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures,) to be posted up in some part of the ship which is accessible to the crew.

(2.) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Forgery, &c. of agreements with crew.

121. If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanour, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanour.

Alterations in agreements with crew.

122. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement.

123. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof.

Engagement of seamen in colonial and foreign ports.

124.—(1.) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications:—

(*a.*) In any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent, an officer of customs:

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(*b.*) At any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer:

(*c.*) The officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.

(2.) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

Agreements with Lascars.

Agreements with lascars.

125.—(1.) The master or owner of any ship, or his agent, may enter into an agreement with a lascar, or any native of India, binding him to proceed either as a seaman or as a passenger—

(*a*) to any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in British India; or

(*b*) to any port in the Australian colonies, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's dominions.

(2.) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the lascar or native to his own country and for other purposes, as the Governor-General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

(3.) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of India, or in any such colony by the governor of the colony, may, on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the governor may direct, certify—

(*a*) that the further agreement is a proper agreement in all respects for the lascar or native to make and is in accordance with the original agreement; and

(*b*) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in and also where the ship is in one of the said Australian colonies, that it is properly supplied with provisions; and

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(*c*) that there is not, in his opinion, any objection to the full performance of the original agreement;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

(4.) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise, shall exhibit to the officer of customs, or to such person as the Board of Trade may authorise in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the failure takes place.

(5.) Nothing in this section shall affect any provisions which
4 Geo. 4. c. 80. are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, intituled "An Act "to consolidate and amend the several laws now in force "with respect to trade within the limits of the charter of "the East India Company, and to make further provision "with respect to such trade."

Rating of Seamen.

Rating of seamen.

126.—(1.) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employment of fishermen in decked fishing vessels registered under the first part of this Act shall only count as sea service up to the period of three years of that employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years sea service on board of decked fishing vessels so registered.

(2.) The service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding sixpence), specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

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Discharge of Seamen.

Discharge before superintendent.

127.—(1.) When a seaman serving in a British foreign-going ship, whether registered within or without the United Kingdom, is on the termination of his engagement discharged in the United Kingdom, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of a superintendent.

(2.) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3.) If the master or owner of a home trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Certificate of discharge and return of certificate to officer on discharge.

128.—(1.) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds.

Reports of seamen's character.

129.—(1.) Where a seaman is discharged before a superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).

(2.) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

False or forged certificate of discharge or report of character.

130. If any person—

(*a*) makes a false report of character under this Act, knowing the same to be false; or

(*b*) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(*c*) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(*d*) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

he shall in respect of each offence be guilty of a misdemeanour.

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Payment of Wages.

Payment of wages before superintendent.

131.—(1.) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

Master to deliver account of wages.

132.—(1.) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

(2.) The said account shall be delivered—

(*a*) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(*b*) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.

(3.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Deductions from wages of seamen.

133.—(1.) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

(2.) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Time of payment of wages for foreign-going ships.

134. In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

(*a*.) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one-fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear

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days (exclusive of any Sunday, fast day in Scotland, or Bank holiday) after he so leaves the ship:

(*b.*) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act:

(*c.*) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Time of payment of wages for home trade ships.

135.—(1.) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2.) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two day's pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten day's double pay.

(3.) Any sum payable under this section may be recovered as wages.

Settlement of wages.

136.—(1.) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.

(2.) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3.) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4.) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

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Decision of questions by superintendents.

137.—(1.) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

(2.) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

Power of superintendent to require production of ship's papers.

138.—(1.) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

(2.) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

Rule as to payment of British seamen in foreign money.

139. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance notes restricted.

140.—(1.) (*a.*) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(*b.*) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2.) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf

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of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

141.—(1.) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(2.) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one-half) of his wages in favour either of a near relative or of a savings bank.

(3.) Allotment notes shall be in a form approved by the Board of Trade.

(4.) For the purposes of the provisions of this Act with respect to allotment notes—

(*a*) the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman.

(*b*) the expression "savings bank" means a seamen's savings bank under this Act, or a trustee savings bank, or a post office savings bank.

Allotments through savings banks.

142.—(1.) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade.

(2.) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made, through a superintendent or the Board of Trade, by the seaman himself, or, in case of his death, by some person to whom his property, if under one hundred pounds in value, may be paid under this Act.

Right of suing on allotment notes.

143.—(1.) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act; provided that the wife of a

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seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2.) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

(*a*) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or

(*b*) by a certified copy of some entry in the official log-book to the effect that he has left the ship, or

(*c*) by a credible letter from the master of the ship to the same effect, or

(*d*) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Time for payment of allotment note.

144. A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement with the crew, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

Seamen's Money Orders and Savings Banks.

Remittance of seamen's wages, &c. by seamen's money orders.

145.—(1.) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act.

(2.) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

Power to pay when order is lost.

146. The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of kin of such person, notwithstanding that the order may not be in his possession; and, from and after the payment, the Board of Trade, and every superintendent and officer of the Board of

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Trade shall be freed from all liability in respect of the money order.

Penalty for issuing money orders with fraudulent intent.

147. If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony, and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

Power for Board of Trade to establish savings banks.

148.—(1.) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service or other sea service) or the wives, widows, and children of such seamen, so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed two hundred pounds.

(2.) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

(3.) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

National Debt Commissioners to receive deposits, &c.

149.—(1.) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

(2.) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade, interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

Application of deposits of deceased depositor.

150. All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

Expenses of savings banks.

151. The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay

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any expenses incurred by them in relation to seamen's savings banks.

Accounts and copy of regulations to be laid before Parliament.

152. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act, and of the interest thereon, and a copy of all regulations made by the Board of Trade with respect to seamen's savings banks shall be laid before both Houses of Parliament.

Public officers to be exempt from legal proceedings, except in case of wilful default.

153. Legal proceedings shall not be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

Forgery of documents, &c., for purpose of obtaining money in seamen's savings bank.

154. If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

(*a*) forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or

(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to be made, any false representation, knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Rights of Seamen in respect of Wages.

Right to wages, &c. when to begin.

155. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recove wages and salvage not to be forfeited.

156.—(1.) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right

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that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2.) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not to depend on freight.

157.—(1.) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.

(2.) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages on termination of service by wreck or illness.

158. Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Wages not to accrue during refusal to work or imprisonment.

159. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

160. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Costs of procuring punishment may be deducted from wages.

161. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding three pounds, to be

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applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensation to seamen improperly discharged.

162. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

Restriction on sale of, and charge upon, wages.

163.—(1.) As respects wages due or accruing to a seaman or apprentice to the sea service—

(*a*) they shall not be subject to attachment or arrestment from any court;

(*b*) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(*c*) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(*d*) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

(2.) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Mode of recovering Wages.

Summary proceedings for wages.

164. A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Restrictions on suits for wages.

165. A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except—

(i) where the owner of the ship is adjudged bankrupt; or

(ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or

(iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or

(iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

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Wages not recoverable abroad in certain cases.

166.—(1.) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board.

(2.) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case thinks reasonable.

Remedies of master for wages, disbursements, &c.

167.—(1.) The master of the ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

(2.) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3.) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Power of Courts to rescind Contracts.

Power of court to rescind contract between owner or master and seaman or apprentice.

168. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of deceased Seamen.

Property of seamen who die during voyage.

169.—(1.) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in

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the United Kingdom, whether a foreign-going or a home trade ship, dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2.) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3.) The master shall enter in the official log-book the following particulars:—

(*a.*) A statement of the amount of the money and a description of the effects:

(*b.*) In case of a sale, a description of each article sold, and the sum received for each:

(*c.*) A statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.

(4.) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5.) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

Dealing with and account of property of seamen who die during voyage.

170.—(1.) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.

(2.) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require.

(3.) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom.

(4.) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United Kingdom, deliver and pay the property to the superintendent at that port.

(5.) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

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(6.) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.

(7.) A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

Penalty for non-compliance with provisions as to property of deceased seamen.

171.—(1.) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained not exceeding fifty pounds.

(2.) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding fifty pounds.

(3.) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Property of deceased seamen left abroad but not on board ship.

172. If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part of this Act.

Dealing with property of deceased seamen by officers abroad.

173.—(1.) A chief officer of customs in a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or

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of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.

(2.) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such manner, and shall render such accounts in respect thereof as the Board of Trade require.

Recovery of wages, &c. of seamen lost with their ship.

174.—(1.) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2.) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.

(3.) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

Property of seamen dying at home.

175. If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

Payment over of property of deceased seamen by Board of Trade.

176.—(1.) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall

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subject to the provisions of this Act, deal with the residue as follows:—

(*a.*) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased:

(*b.*) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(*c.*) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2.) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

Dealing with deceased seamen's property when he leaves a will.

177.—(1.) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above-mentioned residue—

(*a*) if the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship, and

(*b*) if the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, British consular officer, or an officer of customs.

(2.) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made.

Claims by creditors.

178.—(1.) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor.

(2.) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

(3.) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved

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by the Board, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.

(4.) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that Board shall give notice to the creditor of the allowance of the claim.

(5.) If no claim has been allowed, the Board of Trade shall investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Board of Trade will extend for that purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next-of-kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.

(7.) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next-of-kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

Dealing with unclaimed property of deceased seaman. 45 & 46 Vict. c. 99.

179. Where no claim to the property of a deceased seaman or appentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund).

Forgery of documents, &c. for purpose of obtaining property of deceased seamen.

180. If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or appentice to the sea service,—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or

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(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid ; or

(*c*) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false ; or

(*d*) makes or assists in making, or procures to be made, any false representation, knowing the same to be false ; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,—

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Property of seamen discharged from Royal Navy.

181. Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant-General of Her Majesty's Navy directs.

Reimbursement of Relief to Seamen's Families.

Relief to seamen's families to be chargeable on a certain proportion of their wages.

182.—(1.) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportions of his wages ; (that is to say,)—

(*a.*) If only one of those members is chargeable, one half-of the wages :

(*b.*) If two or more of those members are chargeable, two-thirds of the wages.

(2.) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

Notice to owner, and enforcement of charge.

183.—(1.) For the purpose of obtaining such reimbursement as aforesaid, the board of guardians in a poor law union in England or Ireland, and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seamen is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands

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for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector.

(2.) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

(3.) The board or inspector may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the residue of the wages to the seaman.

(4.) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seamen.

Destitute Seamen.

Penalty on masters of ships leaving certain seamen in distress in the United Kingdom.

184.—(1.) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.

(2.) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

Relief of destitute lascars.

185.—(1.) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.

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(2.) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars; namely,—

(*a.*) The name of the person relieved or maintained; and
(*b.*) The part of India of which he professes to be a native; and
(*c.*) The name of the ship in which he was brought to the United Kingdom; and
(*d.*) The port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival.

(3.) The Secretary of State in Council of India shall repay to the board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom. 4 Geo. c. 80. s. 34.] 3 & 4 Will. 4. c. 93.

(4.) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

Leaving Seamen Abroad.

186.—(1.) In the following cases; namely,— Discharge of seamen in foreign countries.

(*a*) where a British ship is transferred or disposed of at any port out of Her Majesty's dominions, and a seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such officer there, in the presence of one or more respectable British merchants residing at the port and not interested in the ship, signify his consent in writing to complete the voyage if continued and

(*b*) where the service of any seaman or apprentice belonging to any British ship terminates at any port out of Her Majesty's dominions,

the master shall give to that seaman or apprentice a certificate of discharge in a form approved by the Board of Trade, and in the case of any certificated officer whose certificate he has retained shall return such certificate to him.

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(2.) The master shall also besides paying the wages to which the seaman or apprentice is entitled, either—

(*a*) provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to a port in the United Kingdom agreed to by the seaman, or

(*b*) furnish the means of sending him back to some such port, or

(*c*) provide him with a passage home, or

(*d*) deposit with the consular officer or merchants as aforesaid such a sum of money as is by the officer or merchants deemed sufficient to defray the expenses of his maintenance and passage home.

(3.) The consular officer or merchants shall endorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section.

(4.) If the master fails, without reasonable cause, to comply with any requirement of this section, the expenses of maintenance or passage home,—

(*a*) if defrayed by the seaman or apprentice shall be recoverable as wages due to him; and

(*b*) if defrayed by the consular officer or by any other person shall (unless the seaman or apprentice has been guilty of barratry) be a charge upon the ship to which the seaman or apprentice belonged and upon the owner for the time being thereof and may be recovered against the owner, with costs, at the suit of the consular officer or other person defraying the expenses, or, in case they have been allowed to him out of public money, as a debt to the Crown, either by ordinary process of law, or in the manner in which wages can be recovered under this Act.

Penalty for forcing seamen on shore or leaving them behind.

187. The master of, or any other person belonging to, a British ship, shall not wrongfully force on shore and leave behind, or otherwise wilfully and wrongfully leave behind, in any place on shore or at sea, in or out of Her Majesty's dominions, a seaman or apprentice to the sea service before the completion of the voyage for which he was engaged or before the return of the ship to the United Kingdom, and if he does so, he shall in respect of each offence be guilty of a misdemeanour.

Seamen not to be discharged or left abroad unless sanction or certificate obtained.

188.—(1.) The master of a British ship shall not discharge a seaman or apprentice to the sea service abroad, or leave him behind abroad, ashore, or at sea, unless he previously obtains, endorsed on the agreement with the crew, the sanction, or in the case of leaving behind the certificate—

(*a*) at any place in a British possession of a superintendent (or in the absence of any such superintendent of the chief officer of customs at or near the place); and

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(*b*) at any place elsewhere of the British consular officer for the place, or, in the absence of any such officer, of two merchants resident at or near the place, or, if there is only one merchant so resident, of that merchant,

but nothing in this section shall require such sanction where the discharge is in the British possession where the seaman was shipped.

(2.) The certificate shall state in writing the fact and cause of the seaman being left behind whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance.

(3.) The person to whom an application is made for a sanction or certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman or apprentice is to be discharged or left abroad, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction or certificate as he thinks just.

(4.) If a master acts in contravention of this section, he shall be guilty of a misdemeanour, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction or certificate was obtained, or could not be obtained.

Accounts and payment of wages in case of seamen left abroad.

189.—(1.) Where a master of a British ship leaves a seaman or apprentice on shore abroad, whether within or without Her Majesty's dominions, on the ground of his unfitness or inability to proceed on the voyage, he shall deliver to the person signing the certificate above mentioned, a full and true account of the wages due to the seaman or apprentice, and if the said person is a consular officer shall deliver the account in duplicate.

(2.) If a master fails without reasonable cause to deliver the account he shall for each offence be liable to a fine not exceeding ten pounds, and if he delivers a false account he shall for each offence be liable to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

(3.) The master shall pay the amount of wages due to a seaman or apprentice so left abroad as aforesaid, if he is left in a British possession to the seaman or apprentice himself, and if he is left elsewhere to the British consular officer.

(4.) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bill drawn on the owner of the ship, but if payment is made by bill—

(*a*) the person signing the certificate shall certify by endorsement on the bill that the same is drawn for seamen's wages, and shall also endorse on the agreement with the crew, the amount for which the bill is drawn, and such further particulars as the Board of Trade require;

(*b*) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

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(*c*) a bill purporting to be drawn and endorsed under this section, shall if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

(5.) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable in addition to the payment of the wages to a fine not exceeding ten pounds.

(6.) Where payment is made to a British consular officer, that officer shall, if satisfied with the account, endorse on one of the duplicates thereof a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination in the United Kingdom to the superintendent at that port.

(7.) The British consular officer shall retain the other duplicate of the account, and shall deal with the sum so paid to him in the following manner; namely,—

(*a*.) If the seaman or apprentice subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman or apprentice under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman or apprentice, and deliver to him an account of the sums so received and expended on his behalf;

(*b*.) If the seaman or apprentice dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and

(*c*.) If the seaman or apprentice is sent home at the public expense under this Act, he shall account for the sum to the Board of Trade; and the sum, after deducting any expenses duly incurred in respect of the seaman or apprentice, except such expenses as the master or owner of the ship is required by this Act to pay, shall be dealt with as wages of the seaman or apprentice.

Distressed Seamen.

Regulations as to relief and maintenance of distressed seamen.

190. The Board of Trade may make regulations with respect to the relief, maintenance, and sending home of seamen and apprentices found in distress abroad, and may, by those regulations (in this Act referred to as the distressed seamen regulations) make such conditions as they think fit with regard to that relief, maintenance, and sending home, and a seaman shall not have any right to be relieved, maintained, or sent home except in the cases and to the extent and on the conditions provided by those regulations.

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Provisions for maintenance and relief of distressed seamen.

191.—(1.) The following authorities, that is to say, governors of British possessions, British consular officers, and other officers of Her Majesty in foreign countries shall, and, in places where there are no such officers, any two resident British merchants, or if there is only one British merchant so resident that merchant, may in accordance with and on the conditions prescribed by the distressed seamen regulations, provide for the maintenance, until a passage home can be procured, of the following seamen and apprentices (who are in this Act included in the term distressed seamen); namely,—

(*a.*) Seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who by reason of having been discharged or left behind abroad or shipwrecked from any British ship, or any of Her Majesty's ships, are in distress in any place abroad; and

(*b.*) Seamen and apprentices to the sea service, being subjects of Her Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the Government or to a subject or citizen of a foreign country, and are in distress in any place abroad.

(2.) For the purpose of providing a distressed seaman with a passage home, the authority shall put him on board a British ship bound either to the United Kingdom or to the British possession to which the seaman belongs (as the case requires), which is in want of men to make up its complement; or if there is no such ship, then the authority shall provide the seaman with a passage home as soon as possible in any ship, British or foreign, bound as aforesaid.

(3.) The authority shall endorse on the agreement with the crew of the ship, if a British ship, on board of which a distressed seaman is placed, the name of every person so placed on board with any particulars directed by the distressed seamen regulations to be endorsed.

(4.) The authority shall be paid in respect of the expenses of the maintenance and conveyance of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as herein-after provided.

Masters of ships compelled to take distressed seamen.

192.—(1.) The master of every British ship so bound as aforesaid shall receive on board his ship, and afford a passage and maintenance to all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

(2.) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on

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a declaration made by the master before a justice of the peace, and verified by the Registrar-General of Shipping and Seamen, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen and apprentices employed on board his ship, and every variation in that number, whilst the distressed seaman received maintenance, the master shall be entitled to be paid, in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.

(3.) If any master of a British ship fails without reasonable cause to comply with this section in the case of any seaman or apprentice, he shall for each offence be liable to a fine not exceeding one hundred pounds.

Recovery of expenses of relief of distressed seamen.

193.—(1.) Where any expenses on account of any such distressed seaman or apprentice as follows; namely,—

(*a*) any seaman or apprentice belonging to a British ship, who has been discharged or left behind abroad, without full compliance on the part of the master with the provisions in that behalf in this Act contained;

(*b*) a subject of Her Majesty, who has been engaged to serve in a ship belonging to the Government or to a subject or citizen of a foreign country,

either for his maintenance, necessary clothing, conveyance home, or, in case of death, for his burial, or otherwise in accordance with this Act are incurred by or on behalf of the Crown, or are incurred by the Government of a foreign country, and repaid to that Government by or on behalf of the Crown, those expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman or apprentice belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.

(2.) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade on behalf of the Crown either by ordinary process of law, or in the court and manner in which wages may be recovered by seamen.

(3.) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

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194. All expenses paid under this Act by or on behalf of the Crown for the relief of distressed seamen, shall be paid out of the Mercantile Marine Fund, and all sums received or recovered towards those expenses shall be carried to that fund. Payment of expenses out of Mercantile Marine Fund.

Volunteering into the Navy.

195.—(1.) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever. Seamen allowed to leave their ships in order to enter the Navy.

(2.) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

196.—(1.) If a seaman, without having previously committed an act amounting to and treated by the master as desertion, leaves his ship in order to enter the naval service of Her Majesty, and is received into that service, the master shall deliver to him his effects on board the ship, and shall pay, subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorised to receive the seaman into that service, either in money or by bill drawn upon the owner, and payable at sight to the order of the Accountant-General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given; and the bill shall be exempt from stamp duty. Money and effects of seamen volunteering into Navy.

(2.) If the master fails so to deliver the seaman's effects, or to pay his wages, as by this section required, he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds.

(3.) If any such bill be not duly paid when presented, the Accountant-General of the Navy or the seaman on whose behalf the bill is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to seamen are recoverable.

197.—(1.) Where the wages of a seaman received into Her Majesty's naval service are paid in money, the money shall be credited in the ship's ledger to the account of the seaman. Wages of seamen received into Navy.

(2.) Where the wages are paid by bill, the bill shall be noted in the ship's ledger, and sent to the Accountant-General of the Navy, who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.

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(3.) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant-General as aforesaid.

(4.) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he has quitted for the purpose of entering Her Majesty's service.

(5.) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

(6.) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.

(7.) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant-General of the Navy; and the Accountant-General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant-General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8.) If any person in making or supporting any application under this section—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or

(*b*) presents or makes use of any document so forged or fraudulently altered; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to be made, any false representation, knowing the same to be as*

that person shall in respect of each offence be guilty of a misdemeanour.

* *sic* in the original.

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Provisions, Health, and Accommodation.

Complaints as to provisions or water.

198.—(1.) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British consular officer, a superintendent, or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined.

(2.) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Board of Trade, and that report shall be admissible in evidence in manner provided by this Act.

(4.) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

199. In either of the following cases; (that is to say,)

(i) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or

(ii) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use;

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages; (that is to say,)

(*a*) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding fourpence a day:

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(*b*) if his allowance is reduced by more than one-third of that quantity, eightpence a day:

(*c*) in respect of bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

Regulations respecting medicines, anti-scorbutics, &c.

200.—(1.) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same.

(2.) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3.) The master or owner of every such ship, except in the case of—

(*a*) ships bound to European ports or ports in the Mediterranean Sea; and

(*b*) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log-book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any.

(4.) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the non-compliance was not caused through his inattention, neglect, or wilful default.

(5.) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log-book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each

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offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.

(6.) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.

(7.) If any person manufactures, sells, or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality, he shall, for each offence, be liable to a fine not exceeding twenty pounds.

Weights and measures on board.

201.—(1.) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Inspection of medicines, medical stores, and anti-scorbutics.

202.—(1.) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this Part of this Act to be provided.

(2.) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act, and shall act, if appointed by a local marine board, under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made), and, if appointed by the Board of Trade, under the direction of the Board of Trade.

(3.) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, if reasonable notice in writing for the purpose is given to him by the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless he has reason to suspect that any of the articles inspected have been subsequently removed, injured, or destroyed.

(4.) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee thereof, and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships, that the default found by the inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is

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produced and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding twenty pounds.

Medical inspection of seamen.

203.—(1.) A medical inspector of seamen appointed under this Part of this Act shall, on application by the owner or master of any ship, examine any seaman applying for employment in that ship, and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

(2.) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the Mercantile Marine Fund.

Appointment of medical inspectors.

204.—(1.) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the Board of Trade may fix his remuneration, and at any port where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration.

(2.) The local marine board, and at a port where there is no such local marine board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the Mercantile Marine Fund such remuneration as the Board of Trade direct.

Appointment of medical inspector, and regulations as to supply of anti-scorbutics in colonies.

205. The governor of a British possession shall have the power in that possession—

(*a*) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and,

(*b*) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

Inspection of provisions and water for crew of certain ships.

206.—(1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.

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(2.) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.

(3.) No fee for an inspection under this section shall be levied on the ship.

(4.) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

(5.) The Board of Trade may appoint officers for the purposes of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

Expenses of medical attendance in case of illness.

207.—(1.) If the master of, or a seaman, or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman, or apprentice until he is cured, or dies, or is brought back, if shipped in the United Kingdom, to a port of the United Kingdom, or if shipped in a British possession to a port of that possession, and of his conveyance to the port, and in case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2.) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine and of his maintenance while away from the ship shall be defrayed in like manner.

(3.) The expense of all medicines, surgical and medical advice, and attendance, given to a master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.

(4.) If a seaman or apprentice is ill and has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, anti-scorbutics, or accommodation, as are required by this Act, then the owner or master, unless it can be proved that the illness has been produced by other causes, shall be liable to pay all expenses (not exceeding on the whole three months' wages) properly and

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necessarily incurred by reason of the illness either by the seaman himself or by the Crown or any parochial or local authority on his behalf, and those expenses may be recovered as if they were wages duly earned, but this provision shall not affect any further liability of the master or owner for the neglect, or any other remedies possessed by the seaman or apprentice.

(5.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

Recovery of expenses from owner.

208.—(1.) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner, are paid by any British consular officer or other person on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice whose wages are not accounted for under this Act to that officer, are so paid, those expenses shall be repaid to the officer or other person by the master of the ship.

(2.) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, as a debt to the Crown, either by ordinary process of law or in the same court and manner as wages due to seamen.

(3.) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person.

Certain ships to carry medical practitioners.

209.—(1.) Every foreign-going ship, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.

(2.) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

Accommodation for seamen.

210.—(1.) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

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(2.) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3.) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

Facilities for making Complaint.

Facilities for making complaint.

211.—(1.) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in command of one of Her Majesty's ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—

(*a*) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement, and

(*b*) if the ship is not then at such a place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Protection of Seamen from Imposition.

Assignment or sale of salvage invalid.

212. Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

No debt exceeding 5*s.* recoverable till end of voyage.

213. A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

Seamen's lodging-houses.

214.—(1.) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

(2.) The byelaws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed,

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for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

(3.) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the county council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression "district" means the area under the authority of such local authority.

30 & 31 Vict. c. 101.
41 & 42 Vict. c. 52.

Penalty for overcharges by lodging-house keepers.

215. If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for detaining seamen's effects.

216.—(1.) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

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(2.) A court of summary jurisdiction may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

Penalty for solicitations by lodging-house keepers.

217. If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for each offence be liable to a fine not exceeding five pounds.

Penalty for being on board ship without permission before seamen leave.

218. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, and any person, not being in Her Majesty's service or not being duly authorised by law for the purpose,—

(*a*) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,

(*b*) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the customs,

that person shall for each offence be liable to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken before a court capable of taking cognizance of the offence.

Application of provisions of previous section to foreign ships.

219. Whenever it is made to appear to Her Majesty that the Government of a foreign country—

(*a*) has provided that unauthorised persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons going on board British ships at the end of their voyages; and

(*b*) is desirous that the provisions of the said section shall apply to unauthorised persons going on board ships of that foreign country within British territorial jurisdiction,

Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

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Provisions as to Discipline.

Misconduct endangering life or ship.

220. If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanour.

Desertion and absence without leave.

221. If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences he shall be liable to be punished summarily as follows:—

(*a.*) If he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour;

(*b.*) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

Conveyance of deserter on board ship.

222.—(1.) If in the United Kingdom a seaman or apprentice is guilty of the offence of desertion or of absence without leave,

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or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee of the ship, may, with or without the assistance of the local police officers or constables, convey him on board his ship, and those officers and constables are hereby directed to give assistance if required:

(2.) Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matter to be dealt with according to law.

(3.) If it appears to the court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may inflict on the master, mate, owner, ship's husband, or consignee, as the case may be, a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

Provisions as to arrest and imprisonment applying out of the United Kingdom.

223.—(1.) If out of the United Kingdom, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions, if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

(2.) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

(3.) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

(4.) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or of having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board

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his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Power of court to order offender to be taken on board ship.

224.—(1.) Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require, may (and if out of the United Kingdom in lieu of committing him to prison), cause him to be conveyed on board his ship for the purpose of proceeding on the voyage, or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

(2.) If in the United Kingdom a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given, the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship.

General offences against discipline.

225.—(1.) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows; (that is to say,)

(*a.*) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

(*b.*) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay:

(*c.*) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute:

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(*d.*) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*e.*) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*f.*) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks:

(*g.*) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2.) Any imprisonment under this section may be with or without hard labour.

Summary remedies not to affect other remedies.

226. Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Penalty for false statement as to last ship or name.

227.—(1.) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding five pounds.

(2.) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

Entry of offences in official log.

228. If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,

(*a*) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew; and

(*b*) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the

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time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

(*c*) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and

(*d*) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

Entries and certificates of desertion abroad.

229.—(1.) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log-book to the person by this Act authorised to grant certificates for leaving seamen behind abroad; and that person shall thereupon make and certify a copy of the entry.

(2.) The copy shall be forthwith transmitted to the Registrar-General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

Register of deserters.

230. A superintendent shall keep at his office a list of the seaman who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

Facilities for proving desertion in proceedings for forfeiture of wages.

231.—(1.) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be suffieient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures.

232.—(1.) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to

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the master or owner of the ship, and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund.

(2.) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3.) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Decision of questions of forfeiture and deductions in suits for wages.

233. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Ascertainment of amount of forfeiture out of wages.

234. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deduction from wages, and payments to superintendents, &c., of fines.

235.—(1.) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows; (that is to say,)

(*a.*) If the offender is discharged in the United Kingdom, and the offence, and the entry in the log-book required by this Act in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship, of the superintendent before whom the offender is discharged, and in the case of a home trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender, and pay it to the superintendent;

(*b.*) If the offender enters Her Majesty's naval service or is discharged abroad before the final discharge of the crew in the United Kingdom, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the consular officer or other

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person by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log-book of the ship and signed by the officer or other person to whose satisfaction the offence is proved; and

(*c.*) On the return of the ship to the United Kingdom the master or owner shall pay the fine to the superintendent before whom the crew is discharged or in the case of a home trade ship to the superintendent at or nearest the port at which the crew are discharged.

(2.) If a master or owner fails without reasonable cause so to pay the fine, he shall for each offence be liable to a fine not exceeding six times the amount of the fine not so paid.

(3.) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

Penalty for enticing to desert and harbouring deserters.

236.—(1.) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding ten pounds.

(2.) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted, from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding twenty pounds.

Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion.

237.—(1.) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.

(2.) Every seafaring person whom the master of a ship is, under the authority of this or any other Act, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

Deserters from foreign ships.

238.—(1.) Where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council stating that such facilities are or will be

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given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order.

(2.) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3.) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

Official Logs.

Official logs to be kept and to be evidence.

239.—(1.) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.

(2.) The Board of Trade shall approve forms of official log-books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3.) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book be duly filled up.

(4.) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5.) Every entry in the official log-book shall be signed by the master, and by the mate, or some other of the crew, and also

(*a*) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and

(*b*) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed

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by the mate and by some member of the crew besides the master; and

(c) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorised to receive the seaman into that service.

(6.) Every entry made in an official log-book in manner provided by this Act shall be admissible in evidence.

Entries required in official log-book.

240. The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters (that is to say,)

(1.) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted:

(2.) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required:

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars:

(5.) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6.) Every marriage taking place on board with the names and ages of the parties:

(7.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

(8.) The wages due to any seaman who enters Her Majesty's naval service during the voyage:

(9.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

(10.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it:

(11.) Every collision with any other ship, and the circumstances under which the same occurred: and

(12.) Any other matter directed by this Act to be entered.

Offences in respect of official logs.

241.—(1.) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall for each offence be liable to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine not exceeding five pounds.

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(2.) If any person makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall for each offence be liable to a fine not exceeding thirty pounds.

(3.) If any person wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, he shall in respect of each offence be guilty of a misdemeanour.

Delivery of official logs to superintendent of mercantile marine office.

242.—(1.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the superintendent before whom the crew is discharged.

(2.) The master or owner of every home trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-book for the preceding half year to some superintendent in the United Kingdom.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the same consequences and liabilities to which he is subject for the non-delivery of the list of the crew required to be delivered under this Part of this Act.

Official logs to be sent home in case of transfer of ship, and in case of loss.

243.—(1.) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Local Marine Boards.

Continuance and constitution of local marine board.

244.—(1.) There shall be local marine boards for carrying into effect this Act under the superintendence of the Board of Trade at those ports of the United Kingdom at which local

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marine boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2.) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that schedule shall apply to the board and elections thereof.

(3.) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.

(4.) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5.) Any act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the board, or of any vacancy in the board.

Control of Board of Trade over local marine boards.

245.—(1.) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any local marine board, or by any superintendent, or by any examiner or other officer or servant under the control of any local marine board, shall be open to the inspection of the Board of Trade and their officers.

(2.) If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of the local marine board shall take place immediately.

(3.) If on complaint made to the Board of Trade it appears to them that at any port, any appointments or arrangements made by the local marine board under this Act are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intention of this Act and to the wants of the port.

Mercantile Marine Offices.

Establishment and control of mercantile marine offices.

246.—(1.) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.

(2.) In every port where there is a local marine board the board shall procure the said buildings and property, and appoint

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and remove the superintendents, deputies, clerks, and servants, and regulate the business at, and have the control of, the mercantile marine office, subject as follows:—

(*a.*) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be so appointed, and the amount of their salaries and wages, and all other expenses.

(*b.*) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.

(*c.*) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by a local marine board does not properly discharge his duties, they may cause the case to be investigated, and if they think fit remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.

(*d.*) The Board of Trade may appoint any superintendent of or other person connected with any sailors home in the port of London to be a superintendent with any necessary deputies clerks and servants, and may appoint an office in any such home to be a mercantile marine office, and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade, and not of the local marine board of the port.

(3.) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—

(*a*) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite superintendents, deputies, clerks, and servants, or

(*b*) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom-house, and thereupon the custom-house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

Business of mercantile marine office.

247.—(1.) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—

to afford facilities for engaging seamen by keeping registries of their names and characters:

to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:

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to provide means for securing the presence on board at the proper times of the seamen who are so engaged:

to facilitate the making of apprenticeships to the sea service: and

to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.

(2.) Any act done by to or before a deputy duly appointed shall have the same effect as if done by to or before a superintendent.

Embezzlement by officers of local marine boards.

248.—(1.) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement).

(2.) If any person so appointed to an office or service—

(*a*) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or an account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or

(*b*) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861.

24 & 25 Vict. c. 96.

(3.) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.

(4.) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

Power to dispense with transaction of certain matters at mercantile marine offices.

249. The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent.

Prohibition on taking fees at mercantile marine offices.

250. If a superintendent, deputy, clerk, or servant, in a mercantile marine office demands or receives save as provided by any Act, or authorised by the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable

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to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.

Registration of and Returns respecting Seamen.

Establishment of register office.

251.—(1.) There shall be maintained in the port of London, under the control of the Board of Trade, an office, called the General Register and Record Office of Seamen.

(2.) The Board of Trade may appoint and remove a Registrar-General called "The Registrar-General of Shipping and Seamen," and such assistants, clerks, and servants as may be necessary, and, with the consent of the Treasury, regulate their salaries and allowances; and those salaries and allowances, and all other necessary expenses, shall be paid out of moneys provided by Parliament.

(3.) The Board of Trade may direct that the business of the said office at any of the outports be transacted at the mercantile marine office there, or with the consent of the Commissioners of Customs at the Custom-house there, and may appoint the superintendent, or with the said consent some officer of customs, as the case may be, to conduct the business, and the business shall thereupon be conducted accordingly, subject to the immediate control of the Board of Trade.

Register of seamen.

252. The Registrar-General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act.

Lists of the crew.

253.—(1.) The master—

(*a*) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and

(*b*) of a home trade ship;

shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

(i.) The number and date of the ship's register, and her registered tonnage:

(ii.) The length and general nature of the voyage or employment:

(iii.) The names, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(iv.) The names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(v.) The names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof:

(vi.) The wages due at the time of death to any of the crew who have died:

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(vii.) The property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold:

(viii.) Any marriage which takes place on board with the date thereof, and the names and ages of the parties.

(2.) The list of the crew—

(*a*) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the superintendent before whom the crew is discharged; and

(*b*) in the case of a home trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year;

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced, and an officer of Customs shall not clear inwards any foreign-going ship until the certificate is produced.

(3.) If the master in the case of a foreign-going ship, or the master or owner in the case of a home trade ship, fails without reasonable cause to deliver or transmit the list of the crew as required by this section, he shall for each offence be liable to a fine not exceeding five pounds.

Return of births and deaths in British ships.

254.—(1.) The master of every British ship, whether registered or not in the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log-book or otherwise the fact of the birth or death, and the particulars required by the Eighth Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

(2.) The master of every British ship, upon its arrival at any port in the United Kingdom, or at such other time and place as the Board of Trade may with respect to any ship or class of ships direct, shall deliver or transmit, in such form as the Board of Trade direct, a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship to the Registrar-General of Shipping and Seamen.

(3.) Where the said return is directed by the Board of Trade to be delivered or transmitted upon the arrival of the ship or the discharge of the crew or otherwise at any port out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return, instead of being delivered or transmitted to the Registrar-General of Shipping and Seamen, shall be delivered, and the same shall accordingly be delivered, if the

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port is in a British possession, to the superintendent or chief officer of customs at such port, and if it is elsewhere, to the British consular officer at the port, and such superintendent or officer shall transmit the same as soon as may be to the Registrar-General of Shipping and Seamen.

(4.) The Registrar-General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows; (that is to say,)

(*a*) if it appears from the return that the father of the child so born, or if the child is a bastard the mother of the child, or that the person deceased was a Scotch or Irish subject of Her Majesty, then to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require; and

(*b*) in any other case to the Registrar-General of Births and Deaths in England;

and such Registrar-General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the marine register book; and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(5.) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding five pounds.

Return in case of transfer or loss of ship.

255.—(1.) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Transmission of documents to registrar by superintendents and other officers.

256.—(1.) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper

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purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar-General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

1 & 2 Vict. c. 94. 40 & 41 Vict. c. 55.

(2.) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877, and those Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

Deposit of documents at foreign ports and in colonies.

257.—(1.) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with:

(2.) The officer shall keep the documents during the ship's stay in the port, and in cases where any endorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned:

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar-General of Shipping and Seamen:

(4.) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

Documents to be handed over to successor on change of master.

258. If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to

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a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Sites for Sailors Homes.

Corporations, &c. may grant sites for sailors homes.

259. The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Application of Part II.

Application of Part II. to ships registered in the United Kingdom.

260. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as herein-after provided with respect to—

(*a*) ships belonging to any of the three general lighthouse authorities;

(*b*) pleasure yachts; and

(*c*) fishing boats.

Application of Part II. to ships registered elsewhere than in the United Kingdom.

261. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; (that is to say,)

(*a.*) The provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;

(*b.*) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and

(*c.*) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and

(*d.*) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the

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ship is within the jurisdiction of the government of the British possession in which the ship is registered.

Partial application of Part II. to ships of lighthouse authorities and pleasure yachts.

262. The following provisions of this Part of this Act shall not apply to the ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

(*a*) the requirement of officers to hold certificates of competency and the production of those certificates;

(*b*) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;

(*c*) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;

(*d*) the engagement or supply of seamen or apprentices by or through unlicensed persons;

(*e*) agreements with the crew (except the provisions relating to the engagement of a seaman abroad);

(*f*) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;

(*g*) the accommodation for seamen;

(*h*) the deduction and payment of fines imposed under stipulations in the agreement;

(*i*) the delivery of documents at ports abroad to consular or customs officers; or

(*j*) official log books.

Partial application of Part II. to fishing boats

263.—(1.) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as herein-after provided with respect to Scotland or by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(2.) The provisions of this Part of this Act relating to—

(*a*) apprenticeships to the sea service;

(*b*) compulsory agreements with the crew;

(*c*) the alteration, falsification, or posting up of copies of agreements with the crew;

(*d*) compensation to seamen improperly discharged;

(*e*) the delivery of an account of wages;

(*f*) the granting of certificates of discharge and the return of certificates of competency by the master;

(*g*) the decision of questions by the superintendent when referred to him;

(*h*) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him; or

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(*i*) the section constituting the offences of desertion, absence without leave, and offences against discipline;

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(3.) So far as respects Scotland all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

Application of Part II. to colony by colonial legislatures.

264. If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

Conflict of laws.

265. Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

Unregistered ship deemed to be registered in United Kingdom for certain purposes.

266. This part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.

PART V.

SAFETY.

Prevention of Collisions.

Collision regulations.

418.—(1.) Her Majesty may, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the collision regulations), shall have effect as if enacted in this Act.

(2.) The collision regulations, together with the provisions of this part of this Act relating thereto, or otherwise relating to

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collisions, shall be observed by all foreign ships within British jurisdiction, and in any case arising in a British court concerning matters arising within British jurisdiction foreign ships shall, so far as respects the collision regulations and the said provisions of this Act, be treated as if they were British ships.

Observance of collision regulations.

419.—(1.) All owners and masters of ships shall obey the collision regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations.

(2.) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanor.

(3.) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it be shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(4.) Where in the case of collision it is proved to the court before whom the case is tried, that any of the collision regulations have been infringed, the ship by which the regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made departure from the regulation necessary.

(5.) The Board of Trade shall furnish a copy of the collision regulations to any master or owner of a ship who applies for it.

Inspection as to lights and fog signals.

420.—(1.) A surveyor of ships may inspect any ship, British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the collision regulations, and if the surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(2.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs at any port at which the ship may seek to obtain a clearance or transire; and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals, in conformity with the collision regulations.

(3.) For the purpose of an inspection under this section a surveyor shall have all the powers of a Board of Trade inspector under this Act.

(4.) Where the certificate as to lights and fog signals is refused, an owner may appeal to the court of survey for the

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port or district where the ship for the time being is in manner directed by the rules of that court.

(5.) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and of this Act as to lights and fog signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by them to grant, the certificate.

(6.) Subject to any order made by the judge of court of survey the costs of and incidental to the appeal shall follow the event.

(7.) A surveyor in making an inspection under this section shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

(8.) Such fees as the Board of Trade may determine shall be paid in respect of an inspection of lights and fog signals under this section not exceeding those specified in the Sixteenth Schedule to this Act.

Saving for local rules of navigation in harbours, &c.

421.—(1.) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2.) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

Duty of vessel to assist the other in case of collision.

422.—(1.) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel crew and passengers (if any),

(*a*) to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(*b*) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

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(2.) If the master or person in charge of a vessel fails to comply with this section, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act neglect or default.

(3.) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanor, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Collisions to be entered in official log.

423.—(1.) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book (if any), and the entry shall be signed by the master, and also by the mate or one of the crew.

(2.) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Application of collision regulations to foreign ships.

424. Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

Report of Accidents and Loss of Ship.

Report to Board of Trade of accidents to steamships.

425.—(1.) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Board of Trade, by letter signed by the owner or master, a report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

(2.) If the owner or master of a steamship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) This section shall apply to all British ships, and to all foreign steamships carrying passengers between places in the United Kingdom.

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Notice of loss of British ship to be given to the Board of Trade.

426.—(1.) If the managing owner or, in the event of there being no managing owner, the ship's husband, of any British ship has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

(2.) If a managing owner or ship's husband fails without reasonable cause to comply with this section within a reasonable time, he shall for each offence be liable to a fine not exceeding fifty pounds.

Life-saving Appliances.

Rules as to life-saving appliances.

427.—(1.) The Board of Trade may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters; namely,—

(*a.*) The arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried;

(*b.*) The number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water which methods may include oil for use in stormy weather; and

(*c.*) The quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys.

(2.) All such rules shall be laid before Parliament so soon as may be after they are made, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament; and on coming into operation shall have effect as if enacted in this Act.

(3.) Rules under this section shall not apply to any fishing boat for the time being entered in the fishing boat register under Part IV. of this Act.

Duties of owners and masters as to carrying life-saving appliances.

428. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Appointment of consultative committee for framing rules.

429.—(1.) For the purpose of preparing and advising on the rules for life-saving appliances, the Board of Trade may appoint

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a committee, the members of which shall be nominated by the Board in accordance with the Seventeenth Schedule to this Act.

(2.) A member of the committee shall hold office for two years from the date of his appointment, but shall be eligible for re-appointment.

(3.) There shall be paid to the members of the committee, out of the Mercantile Marine Fund, such travelling and other allowances as the Board of Trade may fix.

(4.) Her Majesty may, by Order in Council, alter the Seventeenth Schedule to this Act.

Penalty for breach of rules.

430.—(1.) In the case of any ship—

(*a*) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or

(*b*) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or

(*c*) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or

(*d*) if such appliances are not kept so as to be at all times fit and ready for use;

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding one hundred pounds, and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3.) If the court before whom a person is charged with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Survey of ship with respect to life-saving appliances.

431.—(1.) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under this Act.

(2.) If the said surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

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(3.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act.

General Equipment.

Adjustment of compasses and provision of hose.

432.—(1.) Every British sea-going steamship if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steamship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

(2.) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty ponnds.

Placing undue weight on safety value.

433. A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Signals of Distress.

Signals of distress.

434.—(1.) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress.

(2.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress, except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Provision of signals of distress, inextinguishable lights, and life-buoys.

435.—(1.) Where a ship is a sea-going passenger steamer or emigrant ship within the meaning of the Third Part of this Act, the ship shall be provided to the satisfaction of the Board of Trade—

(*a*) with means for making the said signals of distress at night, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(*b*) with a proper supply of lights inextinguishable in water, and fitted for attachment to life-buoys.

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(2.) If any such ship goes to sea from any port of the United Kingdom without being provided as required by this section, then for each default in any of the above requisites, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Draught of Water and Load-Line.

Ship's draught of water to be recorded.

436.—(1.) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose, to record, in such manner and with such particulars as they direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of her clear side in feet and inches, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy thereof to the Board of Trade.

(2.) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in manner provided by this Act.

(3.) The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in the official log-book (if any), and shall produce the record to any chief officer of customs whenever required by him, and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit that person to enter the ship and to make such inspections and to take such measurements as may be requisite for the purpose of the record; and if any master fails to do so, or impedes, or suffers anyone under his control to impede, any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) In this section the expression "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

Marking of deck-lines.

437.—(1.) Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession), shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally

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on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2.) The upper edge of each of the deck-lines must be level with the upper side of the deck plank next the waterway at the place of marking.

(3.) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4.) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Marking of load-line.

438.—(1.) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before the time herein-after mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with an horizontal line eighteen inches in length drawn through its centre.

(2.) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

(3.) The position of the disc shall be fixed in accordance with the tables used at the time of the passing of this Act by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the Board of Trade.

(4.) In approving any such modifications the Board of Trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the Board of Trade, as herein-after mentioned, for the purpose of approving and certifying the position of the load-line.

Ships with submerged load-lines deemed unsafe.

439. If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load-line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this Part of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Time, &c. for marking of load-line in case of foreign-going vessels.

440.—(1.) Where a ship proceeds on any voyage from a port in the United Kingdom for which the owner is required to enter the ship outwards, the disc indicating the load-line shall be

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marked, before so entering her, or, if that is not practicable, as soon afterwards as may be.

(2.) The owner of the ship shall upon entering her outwards insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck-lines which is above that centre, and if default is made in inserting that statement, the ship may be detained.

(3.) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a superintendent shall not proceed with the engagement of the crew until that entry is made.

(4.) The master of the ship shall also enter a copy of that statement in the official log-book.

(5.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Time, &c. for marking of load-line in case of coasting vessels.

441.—(1.) Where a ship employed in the coasting trade is required to be marked with the disc indicating the load-line, she shall be so marked before the ship proceeds to sea from any port; and the owner shall also once in every twelve months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck-lines which is above that centre.

(2.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3.) If default is made in transmitting or delivering any notice or statement under this section, the owner shall, for each offence, be liable to a fine not exceeding one hundred pounds.

(4.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until notice is given of an alteration.

Penalty for offences in relation to marking of load-line.

442.—(1.) If—

(*a*) any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this Part of this Act required, or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line; or

(*b*) any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in

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the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine not exceeding one hundred pounds.

(2.) If any mark required by this Part of this Act is in any respect inaccurate so as to be likely to mislead, the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Regulations as to load-line.

443.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(*a*) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that this Part of this Act is to have effect as if any such line were drawn through the centre of the disc; and

(*b*) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise; and

(*c*) as to the mode of application for, and form of, certificates under this section; and

(*d*) requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries.

(3.) All such regulations shall, while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of customs under the provisions herein-before contained.

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Provision as to colonial ships with respect to load-lines.

444. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this Part of this Act relating to load-lines, and is equally effective for ascertaining and determining the maximum load-lines to which those ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, Her Majesty in Council may declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Part of this Act.

Provision as to foreign ships with respect to load-lines.

445.—(1.) Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of this Act relating thereto, Her Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of this Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions.

(2.) Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Dangerous Goods.

Restrictions on carriage of dangerous goods.

446.—(1.) A person shall not send or attempt to send by any vessel, British or foreign, and a person not being the master or owner of the vessel, shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2.) If any person fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds; or if he shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, then not exceeding ten pounds.

(3.) For the purposes of this Part of this Act the expression "dangerous goods" means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the Explosives Act, 1875, and any other goods which are of a dangerous nature.

38 & 39 Vict. c. 17.

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447. A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and if he acts in contravention of this section he shall for each offence be liable to a fine not exceeding five hundred pounds. Penalty for misdescription of dangerous goods.

448.—(1.) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact. Power to deal with goods suspected of being dangerous.

(2.) Where any dangerous goods, or any goods, which, in the judgment of the master or owner of the vessel, are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

449.—(1.) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the court direct. Forfeiture of dangerous goods improperly sent or carried.

(2.) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

450. The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter. Saving for other enactments relating to dangerous goods.

Loading of Timber.

451.—(1.) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year Loading of timber.

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at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ships registered tonnage, any wood goods as herein-after defined, the master of that ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section.

(2.) Provided that a master or owner shall not be liable to any fine under this section—

(*a*) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(*b*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(*c*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(3.) For the purposes of this section, the expression "wood goods" means—

(*a*) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(*b*) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or

(*c*) any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck.

(4.) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Carriage of Grain.

Obligation to take precautions to prevent grain cargo from shifting.

452.—(1.) Where a grain cargo is laden on board any British ship all necessary and reasonable precautions (whether mentioned in this Part of this Act or not) shall be taken in order to prevent the grain cargo from shifting.

(2.) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the

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owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America.

453.—(1.) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade.

(2.) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this Part of this Act.

(3.) Nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

Notice by master of kind and quantity of grain cargo.

454.—(1.) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer, or, if the port is in a British possession, to the chief officer of customs, at that port, a notice stating—

(*a*) the draught of water and clear side, as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and

(*b*) the following particulars in respect to the grain cargo; namely,—

(i) the kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and

(ii) the mode in which the grain cargo is stowed; and

(iii) the precautions taken against shifting.

(2.) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876, on the arrival of the ship in the United Kingdom. 39 & 40 Vict. c. 36.

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(3.) Every such notice shall be sent to the Board of Trade, as soon as practicable, by the officer receiving the same.

(4.) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(5.) The Board of Trade may, by notice published in the London Gazette, or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

Power of Board of Trade for enforcing provisions as to carriage of grain.

455. For securing the observance of the provisions of this Part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

Definition of grain, &c.

456. For the purpose of the provisions of this Part of this Act with respect to grain cargo—

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

Unseaworthy Ships.

Sending unseaworthy ship to sea a misdemeanor.

457.—(1.) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

(2.) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

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(3.) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the governor of the British possession in which the prosecution takes place.

(4.) A misdemeanor under this section shall not be punishable upon summary conviction.

(5.) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

458.—(1.) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2.) Nothing in this section—

(*a*) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

(*b*) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Power to detain unsafe ships, and procedure for detention.

459.—(1.) Where a British ship, being in any port in the United Kingdom, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows:—

(*a.*) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(*b.*) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

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(*c.*) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or re-loading of cargo, as the Board think necessary for the protection of human life, and the Board may vary or add to any such order.

(*d.*) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court.

(*e.*) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(*f.*) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(*g.*) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The Board of Trade may with the consent of the Treasury appoint fit persons to act as detaining officers under this section,

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and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7.) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

Liability for costs and damages.

460.—(1.) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2.) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3.) For the purpose of this section the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to one of the officers following, namely, in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Auditor of the Court of Session, and the officer shall, on request by the Board of Trade, ascertain and certify the proper amount of those costs.

(4.) An action for any costs or compensation payable by the Board of Trade under this section may be brought against the Secretary of that Board by his official title as if he were a corporation sole, and if the cause of action arises in Ireland, and the action is brought in the High Court, that Court may order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland in such manner and on such terms respecting extension of time and otherwise as the Court thinks fit, and that that service shall be sufficient service of the summons or writ upon the Secretary of the Board of Trade.

Power to require from complainant security for costs.

461.—(1.) Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to

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give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

(2.) Provided that such security shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3.) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

462. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(i.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;

(ii.) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is herein-before provided in the case of a British ship; and

(iii.) Where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

Survey of ships alleged by seamen to be unseaworthy.

463.—(1.) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unsea-

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worthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2.) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3.) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Board of Trade, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court think fit to put.

(4.) Such surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before them in accordance with those opinions.

(5.) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act.

(6.) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

(7.) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Board of Trade.

(8.) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs

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of the survey to the Board of Trade, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

PART IX.

WRECK AND SALVAGE.

Vessels in Distress.

Definition of "wreck" and "salvage."

510. In this Part of this Act, unless the context otherwise requires—

(1.) The expression "wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water:

(2.) The expression "salvage" includes all expenses, properly incurred by the salvor in the performance of the salvage services.

Duty of receiver where vessel in distress.

511.—(1.) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2.) If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels in distress.

512.—(1.) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

(*a*) require such persons as he thinks necessary to assist him:

(*b*) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power:

(*c*) demand the use of any waggon, cart, or horses that may be near at hand.

(2.) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding one hundred pounds;

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but a person shall not be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the use of the same under this section.

Power to pass over adjoining lands.

513.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2.) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3.) If the owner of occupier of any land—

(*a*) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

(*b*) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(*c*) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

Power of receiver to suppress plunder and disorder by force.

514.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.

(2.) The receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

(3.) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed, or hurt.

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Liability for damage in case of a vessel plundered.

515. Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel:

In England in the same manner, by the same authority, and out of the same rate as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the Riot (Damages) Act, 1886, and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district;

49 & 50 Vict. c. 38.

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and

1 Geo. 1. st. 2. c. 5.

In Ireland in manner provided by the Act of the Session held in the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act "to extend the remedies for the compensation of malicious "injuries to property in Ireland" with respect to damage to any dwelling-house or other property therein mentioned.

16 & 17 Vict. c. 38.

Exercise of powers of receiver in his absence.

516.—(1.) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, principal officer of the coastguard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do anything by this Part of this Act authorised to be done by the receiver.

(2.) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver; but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination in respect of ships in distress.

517.—(1.) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person

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belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)

(*a.*) The name and description of the ship;

(*b.*) The name of the master and of the owners;

(*c.*) The names of the owners of the cargo;

(*d.*) The ports from and to which the ship was bound;

(*e.*) The occasion of the distress of the ship;

(*f.*) The services rendered; and

(*g.*) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2.) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.

(3.) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

Dealing with Wreck.

Provision as to wreck found in the United Kingdom.

518. Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall,—

(*a*) if he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised;

(*b*) if he is not the owner thereof, as soon as possible deliver the same to the receiver of the district:

and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding one hundred pounds, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

Penalty for taking wreck at time of casualty.

519.—(1.) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

(2.) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

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(3.) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

Notice of wreck to be given by receiver.

520. Where a receiver takes possession of any wreck he shall within forty-eight hours—

(*a*) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished; and

(*b*) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection.

Claims of owners to wreck.

521.—(1.) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2.) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

Immediate sale of wreck by receiver in certain cases.

522. A receiver may at any time sell any wreck in his custody if in his opinion—

(*a*) it is under the value of five pounds, or

(*b*) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or

(*c*) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

Unclaimed Wreck.

Right of Crown to unclaimed wreck.

523. Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted to any other person the right to that wreck.

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Notice of unclaimed wreck to be given to persons entitled.

524.—(1.) Where any admiral, vice-admiral, lord of the manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, he shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.

(2.) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

Disposal of unclaimed wreck.

525. Where no owner establishes a claim to any wreck, found in the United Kingdom and in the possession of a receiver, within one year after it came into his possession, the wreck shall be dealt with as follows; (that is to say,)

(1.) If the wreck is claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has delivered such a statement to the receiver as hereinbefore provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found, the wreck after payment of all expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him;

(2.) If the wreck is not claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule, determine) for the benefit of the Crown, as follows; (that is to say,)

(*a.*) If the wreck is claimed in right of Her Majesty's duchy of Lancaster, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy;

(*b.*) If the wreck is claimed in right of the duchy of Cornwall, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy; and

(*c.*) If the wreck is not so claimed, the receiver shall pay the proceeds of sale to the Mercantile Marine Fund during the life of Her present Majesty, and after the decease of Her present Majesty to her heirs and successors.

Disputed title to unclaimed wreck.

526.—(1.) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one

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claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this Part of this Act.

(2.) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title.

Delivery of unclaimed wreck by receivers not to prejudice title.

527. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

Power to Board of Trade to purchase rights to wreck.

528.—(1.) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.

(2.) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and in the construction of those Acts for the purposes of this section this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorised to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

Admiral not to interfere with wreck.

529. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorised by this Act.

Removal of Wrecks.

Removal of wreck by harbour or conservancy authority.

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

(*a*) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and

(*b*) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and

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(*c*) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows :—

(1.) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and

(2.) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under the provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

Power of lighthouse authority to remove wreck.

531.—(1.) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority.

(2.) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this Part of this Act, shall be paid out of the Mercantile Marine Fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

Powers of removal to extend to tackle, cargo, &c.

532. The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term " vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

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Power for Board of Trade to determine certain questions between authorities.

533. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

Powers to be cumulative.

534. The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Offences in respect of Wreck.

Taking wreck to foreign port.

535. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

Interfering with wrecked vessel or wreck.

536.—(1.) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force.

(2.) A person shall not—

(*a*) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;

(*b*) secrete any wreck, or deface or obliterate any marks thereon; or

(*c*) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck,

and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

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Summary procedure for concealment of wreck.

537.—(1.) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof or that any wreck is otherwise improperly dealt with he may apply to any justice of the peace for a search warrant and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof, may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2.) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow.

Marine Store Dealers.

Marine store dealer to have his name and trade painted on his shop.

538.—(1.) Every person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (in this Part of this Act called a marine store dealer) shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.

(2.) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Marine store dealer to keep proper books.

539.—(1.) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of that person.

(2.) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Marine store dealer not to purchase from person under sixteen.

540.—(1.) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years.

(2.) If a marine store dealer so purchases any marine store, he shall be liable to a fine for the first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds.

Marine store dealer not to cut up cable, &c.

541.—(1.) A marine store dealer shall not, on any pretence, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff without obtaining a written permit as required by this section.

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(2.) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides, stating—

(*a*) the quality and description of the cable or other like article about to be cut up or unlaid;

(*b*) the name and description of the person from whom he purchased or received the same; and

(*c*) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly:

and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article.

(3.) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Permit to be advertised before dealer proceeds to act thereon.

542.—(1.) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resides one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut up or unlaid.

(2.) If any person suspects or believes that the cable or other article is his property he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this Part of this Act to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books.

(3.) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds.

Markings of Anchors.

Marking of anchors.

543.—(1.) Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor.

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(2.) If a manufacturer of anchors fails without reasonable cause to comply with this section, he shall be liable for each offence to a fine not exceeding five pounds.

Salvage.

Salvage payable for saving life.

544.—(1.) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner herein-after mentioned.

(2.) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3.) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the Mercantile Marine Fund, such sum as they think fit in whole or part satisfaction of any amount of salvage so left unpaid.

Salvage of life from foreign vessels.

545. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country, when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

Salvage of cargo or wreck.

546. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, and services are rendered by any person in assisting that vsssel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner herein-after mentioned.

Procedure in Salvage.

Determination of salvage disputes.

547.—(1.) Disputes as to the amount of salvage whether of life or property, and whether rendered within or without the United Kingdom arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined summarily

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in manner provided by this Act, in the following cases; namely,—

(*a.*) In any case where the parties to the dispute consent:

(*b.*) In any case where the value of the property saved does not exceed one thousand pounds:

(*c.*) In any case where the amount claimed does not exceed in Great Britain three hundred pounds, and in Ireland two hundred pounds.

(2.) Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland the Court of Session, but if the claimant does not recover in any such court in Great Britain more than three hundred pounds, and in any such court in Ireland more than two hundred pounds, he shall not be entitled to recover any costs, charges, or expenses incurred by him in the prosecution of his claim, unless the court before which the case is tried certify that the case is a fit one to be tried otherwise than summarily in manner provided by this Act.

(3.) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(4.) Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:—

(*a.*) In England it shall be referred to and determined by a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or any Act amending the same:

31 & 32 Vict. c. 71.

(*b.*) In Scotland it shall be referred to and determined by the sheriff's court:

(*c.*) In Ireland it shall be referred to the arbitration of and determined by two justices of the peace, or a stipendiary magistrate, or the recorder of any borough having a recorder, or the chairman of quarter sessions in any county, and any such justices, stipendiary magistrate, recorder, or chairman are herein-after included in the expression "arbitrators."

(5.) Nothing in this Act relating to the procedure in salvage cases shall affect the jurisdiction or procedure in salvage cases of a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or the Court of Admiralty (Ireland) Act, 1867, or any Act amending either of those Acts.

30 & 31 Vict. c. 114.

Determination of disputes as to salvage summarily.

548.—(1.) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—

(*a*) where the dispute relates to the salvage of wreck be referred to a court or arbitrators having jurisdiction at or near the place where the wreck is found:

(*b*) where the dispute relates to salvage in the case of services rendered to any vessel or to the cargo or apparel thereof or

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in saving life therefrom be referred to a court or arbitrators having jurisdiction at or near the place where the vessel is lying, or at or near the port in the United Kingdom into which the vessel is first brought after the occurrence by reason whereof the claim of salvage arises.

(2.) Any court or arbitrators to whom a dispute as to salvage is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.

Appeal in case of salvage disputes.

549.—(1.) Where a dispute relating to salvage has been determined summarily in manner provided by this Act, any party aggrieved by the decision may appeal therefrom—

(*a*) in Great Britain, in like manner as in the case of any other judgment in an Admiralty or maritime cause of the county court or sheriff's court, as the case may be; and

(*b*) in Ireland, to the High Court, but only if the sum in dispute exceeds fifty pounds, and the appellant within ten days after the date of the award gives notice to the arbitrators of his intention to appeal and, within twenty days after the date of the award, takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.

(2.) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands to be a true copy of the proceedings had before them or their umpire (if any) and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the court of appeal as evidence in the case.

As to arbitrators in Ireland.

550.—(1.) The Lord Lieutenant in Ireland may appoint, out of the justices for any borough or county, a rota of justices, by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.

(2.) Where no such rota is appointed the salvors may, by writing addressed to the justices clerk, name one justice and the owner of the property saved may in like manner name another justice to be arbitrators; and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions.

(3.) Where a dispute as to salvage is referred to justices under this Act, they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

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(4.) The arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.

(5.) There shall be paid to every umpire appointed as aforesaid, in respect of his services, such sum not exceeding five pounds as the Board of Trade may direct.

(6.) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner, and in such shares and proportions, as the arbitrators or umpire may direct by the award.

(7.) The arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8.) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this Part of this Act.

Valuation of property by receiver.

551.—(1.) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2.) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3.) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct.

Detention of property liable for salvage by a receiver.

552.—(1.) Where salvage is due to any person under this Act, the receiver shall—

(*a*) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(*b*) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck.

(2.) Subject as herein-after mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (herein-after referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.

(3.) A receiver may release any detained property if security is given to his satisfaction, or, if the claim for salvage exceeds

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two hundred pounds, and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the Lord Ordinary officiating on the bills during vacation.

(4.) Any security given for salvage in pursuance of this section to an amount exceeding two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

Sale of detained property by receiver.

553.—(1.) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases; namely,—

(*a.*) Where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or,

(*b.*) Where the amount is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court, or

(*c.*) Where the amount is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2.) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Agreement as to salvage.

554.—(1.) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship, and the cargo, and freight respectively, and the respective owners of the ship, cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

(2.) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this Part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made

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the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath.

(3.) The salvor shall transmit the statements made, as soon as practicable to the court in which the agreement is to be adjudicated upon.

Apportionment of salvage under 200*l.* by receiver.

555.—(1.) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, and does not exceed two hundred pounds, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him; and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2.) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3.) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Apportionment of salvage by Admiralty Courts.

556. Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit.

Salvage by Her Majesty's Ships.

Salvage by Her Majesty's ships.

557.—(1.) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof,

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no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.

(2.) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be evidence of that consent.

(3.) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

Salvage by Her Majesty's ships abroad.

558.—(1.) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

(2.) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

Provisions as to bond to be executed.

559.—(1.) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.

(2.) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.

(3.) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements

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required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act, he may proceed ex parte.

(4.) A consular officer may for the purposes of this section take affidavits.

(5.) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

Execution of bond.

560.—(1.) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.

(2.) The bond shall bind the respective owners of the vessel, cargo, and freight and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

Enforcement of bond.

561.—(1.) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England.

(2.) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any Colonial Court of Admiralty or Vice Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands, shall assist that court in enforcing those bonds.

(3.) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.

(4.) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

Saving for other salvage rights.

562.—(1.) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel,

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cargo, or property saved, unless he elects to proceed under this Part of this Act.

(2.) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

Exemption from stamp duty.

563. Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

Punishment for forgery and false representations.

564. If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships—

(*a*) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or

(*b*) puts off or makes use of any forged or altered document, knowing the same to be so forged or altered; or

(*c*) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

Jurisdiction of High Court in Salvage.

Jurisdiction of High Court in salvage.

565. Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

Appointment of receivers of wreck.

566. The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wrecks, and may, with the consent of the Treasury, appoint any officer of customs or of the coastguard, or any officer of inland revenue, or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck (in this Part of this Act referred to as a receiver), in any district, and to perform the duties of receiver under this Part of this Act, and shall give due notice of the appointment.

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Fees of Receivers of Wreck.

Receivers fees.

567.—(1.) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Twentieth Schedule to this Act, such fees not exceeding the amounts therein mentioned as may be directed by the Board of Trade, but a receiver shall not be entitled to any remuneration other than those payments.

(2.) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3.) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade, and the decision of that Board shall be final.

(4.) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

Remuneration for services by coastguard.

568.—(1.) Where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property, then, unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for those services, the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this Part of this Act.

(2.) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated.

Duties on Wreck.

Provisions as to duties, &c. on wrecked goods.

569.—(1.) All wreck, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.

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(2.) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take security for the due protection of the revenue in respect of those goods.

Supplemental.

Powers of sheriff in Scotland.

570. Any matter or thing which may be done under this Part of this Act by or to a justice of the peace, or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the county.

Saving for Cinque ports.

571. Nothing in this Part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

PART XI.

LIGHTHOUSES.

General Management.

Management of lighthouses, buoys, and beacons.

634.—(1.) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys or beacons, (in this Act referred to as "local lighthouse authorities,") the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—

(*a.*) Throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, and at Gibraltar, in the Trinity House;

(*b*) Throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and

(*c.*) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

and those bodies are in this Act referred to as the general lighthouse authorities and those areas as lighthouse areas.

(2.) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

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Returns and information to Board of Trade.

635. The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations, or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

Power of Board of Trade to inspect on complaint made.

636.—(1.) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorise any persons appointed by them to inspect the same.

(2.) A person so authorised may inspect the same accordingly, and make any inquiries in respect thereof, and of the management thereof, which he thinks fit; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanations in relation thereto which the person inspecting requires.

Inspection by Trinity House.

637. The Trinity House, and any of their engineers, workmen, and servants, may at all times enter any lighthouse within any of the lighthouse areas for the purpose of viewing their condition or otherwise for the purposes of this Act.

Construction of Lighthouses, &c.

General powers of lighthouse authorities.

638. A general lighthouse authority shall, within their area but subject, in the case of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the restrictions enacted in this Part of this Act, have the following powers (in this Act referred to as lighthouse powers); namely, powers—

(*a*) to erect or place any lighthouse, with all requisite works, roads, and appurtenances:

(*b*) to add to, alter, or remove any lighthouse:

(*c*) to erect or place any buoy or beacon, or alter or remove any buoy or beacon:

(*d*) to vary the character of any lighthouse or the mode of exhibiting lights therein.

Powers as to land.

639.—(1.) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers, and for that purpose the Lands Clauses Acts shall be incorporated with this Act and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

(2.) A general lighthouse authority may sell any land belonging to them.

Restrictions on exercise of lighthouse powers by

640.—(1.) When the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights propose to exercise any of their lighthouse powers, they shall submit a scheme to the

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Trinity House specifying the mode in which they propose to exercise the power, and their reasons for wishing to exercise the same, and they shall not exercise any such power until they have so submitted a scheme to the Trinity House and obtained the sanction of the Board of Trade in manner provided by this Act. Commissioners.

(2.) The Trinity House shall take into consideration any scheme so submitted to them, and shall make a report, stating their approval or rejection of the scheme with or without modification, and shall send a copy of the report to the Commissioners by whom the scheme is submitted.

(3.) For the purpose of obtaining the sanction of the Board of Trade to any scheme so submitted to the Trinity House, the Trinity House shall send a copy of the scheme and of their report thereon, and of any communications which have passed with reference thereto between them and the Commissioners by whom the scheme is submitted, to the Board of Trade, and that Board may give any directions they think fit with reference to the scheme, and may grant or withhold their sanction either wholly or subject to any conditions or modifications they think fit.

(4.) The Commissioners by whom a scheme is submitted may, before a decision on the scheme is given by the Board of Trade, forward either to that Board or to the Trinity House any suggestions or observations with respect to the scheme or the report of the Trinity House thereon, and the Board of Trade in giving any decision on the scheme shall consider those suggestions or observations.

(5.) The decision of the Board of Trade with reference to any scheme shall be communicated by that Board to the Trinity House, and by the Trinity House to the Commissioners by whom the scheme is submitted, and those Commissioners shall act in conformity with the decision.

641.—(1.) The Trinity House may, with the sanction of the Board of Trade, direct the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights— Power of Trinity House to direct lighthouse works to be done.

(*a*) to continue any lighthouse, buoy, or beacon:

(*b*) to erect or place any lighthouse, buoy, or beacon, or add to, alter, or remove any existing lighthouse, buoy, or beacon:

(*c*) to vary the character of any lighthouse or the mode of exhibiting lights therein:

and the Commissioners shall be bound within a reasonable time to obey any directions so given and sanctioned.

(2.) For the purpose of obtaining the sanction of the Board of Trade to any direction under this section, the Trinity House shall make a written application to the Board of Trade showing fully the work which they propose to direct and their reasons for directing the same, and shall give notice in writing of the application to the Commissioners to whom they propose to give

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the direction at their principal office in Edinburgh or Dublin, as the case may be.

(3.) Before the Board of Trade decide on any such application an opportunity shall be given to the Commissioners to whom it is proposed to give the direction for making any representation which they may think fit to make with regard to the application to the Board of Trade or the Trinity House.

Additions to lighthouses.

642. Where any improved light, or any siren or any description of fog signal has been added to an existing lighthouse, the light siren or signal may, for the purposes of this Part of this Act, be treated as if it were a separate lighthouse.

Light Dues.

Continuance of light dues.

643. Subject to any alterations to be made under the powers contained in this Part of this Act, a general lighthouse authority shall, in respect of any lighthouses, buoys, or beacons which at the commencement of this Act are under their management, continue to levy dues (in this Act called light dues), subject to the same limitations as to the amount thereof as are in force at the commencement of this Act; and those light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

Dues for new lighthouses.

644. On the completion of any lighthouse, buoy, or beacon, Her Majesty may, by Order in Council, fix dues to be paid in respect thereof in the case of any ship which passes the same, or derives benefit therefrom, and the dues so fixed shall, for the purposes of this Act, be deemed to be light dues.

Revision of light dues by Order in Council.

645.—(1.) Her Majesty may, by Order in Council, increase, vary, or reduce any light dues payable in respect of any lighthouse, buoy, or beacon for the time being under the management of a general lighthouse authority.

(2.) Provided that the light dues payable in respect of a lighthouse, buoy, or beacon which was existing on the first day of May one thousand eight hundred and fifty-five shall not be made to exceed the amount which at any period previous to that date was received in respect thereof, or to which they might have been raised during any part of that period.

Regulation of light dues by lighthouse authorities.

646.—(1.) A general lighthouse authority may, with the consent of Her Majesty given by Order in Council,—

(*a*) exempt any ships or any classes of ships from the payment of light dues receivable by that authority, and annex any terms or conditions to those exemptions;

(*b*) alter the times, places, and modes at and in which the light dues receivable by the authority are payable; and

(*c*) substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or

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classes of ships, for the dues payable to that authority for the time being.

(2.) Nothing in this Act shall affect the provisions of the Shipping Dues Exemption Act, 1867, or any Act amending the same. 30 & 31 Vict. c. 15.

647. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the chief officers of customs at the custom houses of the places at which they are respectively resident. Publication of light dues and regulations.

648.—(1.) All light dues coming into the hands of any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund. Application and collection of light dues.

(2.) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed, whether they are collected on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.

(3.) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of light dues received by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

649.—(1.) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; namely,— Recovery of light dues.

(*a.*) The owner or master; or

(*b.*) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

and those dues may be recovered in the same manner as fines of a like amount under this Act.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

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Distress on ship for light dues.

650.—(1.) If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or anything belonging to, or on board, the ship, and detain that distress until the light dues are paid.

(2.) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the non-payment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

Receipt for light dues.

651. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of customs.

Local Lighthouses.

Inspection of local lighthouses.

652.—(1.) It shall be the duty of each of the general lighthouse authorities, or of any persons authorised by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.

(2.) All officers and others having the care of any such local lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3.) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the general lighthouse authority require.

(4.) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys, and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade; and those reports shall be laid before Parliament.

Control of local lighthouse authorities by general lighthouse authorities.

653.—(1.) A general lighthouse authority may, within their area, with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse,

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buoy, or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting lights in any lighthouse, buoy, or beacon.

(2.) A local lighthouse authority shall not erect or place any lighthouse, buoy, or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.

(3.) If a local lighthouse authority having power to erect, place, or maintain any lighthouse, buoy, or beacon, at any place within a lighthouse area, fail to do so, or fail to comply with the direction of a general lighthouse authority under this section with respect to any lighthouse, buoy, or beacon, Her Majesty may, on the application of the general lighthouse authority, by Order in Council, transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power of levying dues, to the general lighthouse authority.

(4.) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the lighthouse, buoy, or beacon in respect of which the Order is made, and the dues leviable in respect thereof, shall respectively be subject to the same provisions as those to which a lighthouse, buoy, or beacon provided by that general lighthouse authority under this Part of this Act, and the light dues leviable under this Part of this Act are subject.

(5.) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

Surrender of local lighthouses.

654.—(1.) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same.

(2.) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3.) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority,—

(*a*) the lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this Part of this Act; and

(*b*) the general lighthouse authority shall be entitled to receive either the dues which were leviable in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in

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Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

Light dues for local lights.

655.—(1.) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority, by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse, buoy, or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable.

(2.) Any dues fixed under this section (in this Act referred to as local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this Part of this Act.

(3.) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible, may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

Application of local light dues.

656.—(1.) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.

(2.) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues, and shall, once in every year or at such other time as the Board of Trade may determine, send a copy of that account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade requires.

Reduction of local light dues.

657. A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so), reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons.

Expenses of General Lighthouse Authorities.

Payment of lighthouse expenses out of Mercantile Marine Fund.

658. The expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons under this Part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services, shall be paid out of the Mercantile Marine Fund.

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Establishment of general lighthouse authorities.

659.—(1.) Her Majesty may by Order in Council fix the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of the Mercantile Marine Fund in respect of those establishments.

(2.) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, Her Majesty may by Order in Council fix the portion of the expense of those establishments to be paid out of the Mercantile Marine Fund.

(3.) An increase of any establishment or part of an establishment fixed under this section shall not be made without the consent of the Board of Trade.

Estimates or accounts of expenses sent to Board of Trade.

660.—(1.) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall not be paid out of the Mercantile Marine Fund, or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade.

(2.) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.

(3.) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

Advances by Treasury for lighthouse expenses.

661.—(1.) For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with lighthouses, buoys, and beacons, the Treasury may, upon the application of the Board of Trade, advance out of the growing produce of the Consolidated Fund such sums, and upon such terms and at such rate of interest, as they think fit, and pay the same into the Mercantile Marine Fund, but the total amount due in respect of any such advances shall not at any one time exceed two hundred thousand pounds.

(2.) Where the Treasury advance any sum under this section, that sum and the interest thereon shall be a charge upon the Mercantile Marine Fund, and upon any dues, rates, fees, or other payments payable thereto, and the Board of Trade shall make such provision for the repayment thereof out of that fund either by way of sinking fund or otherwise as the Treasury require.

(3.) A charge under this section for the purpose of an advance by the Treasury shall not prevent the reduction of any dues,

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rates, fees, or other payments payable to the Mercantile Marine Fund, if the reduction is sanctioned by the Treasury.

Mortgage of Mercantile Marine Fund for lighthouse expenditure.

662.—(1.) The Board of Trade may mortgage the Mercantile Marine Fund and any dues, rates, fees, or other payments payable thereto, or any part thereof, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the services of lighthouses, buoys, and beacons.

(2.) Any mortgage under this section shall be made in such form and executed in such manner as the Board of Trade may direct.

(3.) A person lending money on a mortgage under this section shall not be bound to inquire as to the purpose for which the money is raised or the manner in which it is applied.

Advances by Public Works Loan Commissioners.

663.—(1.) The Public Works Loan Commissioners may, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the service of lighthouses, buoys, and beacons, advance money upon mortgage of the Mercantile Marine Fund, and the several dues, rates, fees, and payments to be carried thereto under this Act, or any of them, or any part thereof, without requiring any further security than that mortgage.

(2.) Notwithstanding anything in this Act, every mortgage so made to the Public Works Loan Commissioners shall be made in accordance with the Acts regulating loans by the Public Works Loan Commissioners.

(3.) An advance by the Public Works Loan Commissioners shall not prevent any lawful reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund if that reduction is assented to by the Public Works Loan Commissioners.

Accounts of general lighthouse authorities.

664. Each of the general lighthouse authorities shall account to the Board of Trade for their receipts from light dues and for their expenditure in respect of expenses paid out of the Mercantile Marine Fund, in such form, and at such times, and with such details, explanations, and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

Power to grant pensions.

665.—(1.) A general lighthouse authority may, with the sanction of the Board of Trade, grant superannuation allowances or compensation to persons whose salaries are paid out of the Mercantile Marine Fund on their discharge or retirement.

(2.) No superannuation allowance or compensation granted under this section to a person shall exceed the proportion of his salary which may be granted to a person in the public civil service under the Acts relating to superannuation allowances or compensation for the time being in force.

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Offences in connexion with Lighthouses, &c.

Injury to light-houses, &c.

666.—(1.) A person shall not wilfully or negligently—

(*a*) injure any lighthouse or the lights exhibited therein, or any buoy or beacon;

(*b*) remove, alter, or destroy any lightship, buoy, or beacon; or

(*c*) ride by, make fast to, or run foul of any light ship or buoy.

(2.) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding fifty pounds.

Prevention of false lights.

667.—(1.) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situate, may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

(2.) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3.) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities he may incur, shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice, the general lighthouse authority may, by their servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act

Commissioners of Northern Lighthouses.

Incorporation of Commissioners of Northern Lights.

668.—(1.) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; (that is to say,)

(*a*.) The Lord Advocate and the Solicitor-General for Scotland;

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(*b.*) The lords provosts of Edinburgh, Glasgow, and Aberdeen, and the provosts of Inverness and Campbeltown;

(*c.*) The eldest bailies of Edinburgh and Glasgow;

(*d.*) The sheriffs of the counties of the Lothians and Peebles, Lanark, Renfrew and Bute, Argyll, Inverness Elgin and Nairn, Ross Cromarty and Sutherland, Caithness Orkney and Shetland, Aberdeen Kincardine and Banff, Ayr, Fife and Kinross, Dumfries and Galloway; and

(*e.*) Any persons elected under this section.

(2.) The Commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.

(3.) The Commissioners may elect the provost or chief magistrate of any royal or parliamentary burgh on or near any part of the coasts of Scotland and the sheriff of any county abutting on those coasts to be a member of their body.

Provision as to Channel Islands.

Restriction on exercise of powers in Channel Islands.

669.—(1.) The powers of the Trinity House under this Part of this Act with respect to lighthouses, buoys, or beacons already erected or placed, or hereafter to be erected or placed, in the islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, and the prevention of false lights) shall not be exercised without the consent of Her Majesty in Council.

(2.) Dues for any lighthouse, buoy, or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall not be taken in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.

Lighthouses, &c. in Colonies.

Dues for colonial lighthouses, &c.

670.—(1.) Where any lighthouse, buoy, or beacon has, either before or after the passing of this Act, been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession, Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy, or beacon by the owner or master of every ship which passes the same and derives benefit therefrom, as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2.) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown, or by Act or ordinance duly passed, signified its opinion that the dues ought to be levied.

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Collection and recovery of colonial light dues.

671.—(1.) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this Part of this Act.

(2.) Colonial light dues shall in each British possession be collected by such persons as the governor of that possession may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions so far as circumstances permit, as light dues under this Part of this Act, or by such other means, in such other manner, and subject to such other conditions as the legislature of the possession direct.

Payment of colonial light dues to Paymaster-General.

672. Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct, and shall be applied, paid, and dealt with by him for the purposes authorised by this Act, in such manner as that Board direct.

Application of colonial light dues.

673. Colonial light dues shall, after deducting the expenses of collection, be applied in payment of the expenses incurred in erecting and maintaining the lighthouse, buoy, or beacon in respect of which they are levied, and for no other purpose.

Advances for construction and repair of colonial light-houses, &c.

674.—(1.) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any light-house, buoy, or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

(2.) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament, or by the Public Works Loan Commissioners or by any other persons, but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this Part of this Act.

Accounts of colonial light dues.

675.—(1.) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction, repair, or maintenance of the lighthouse, buoy, or beacon in respect of which those dues are received.

(2.) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament and audited in such manner as may be directed by Order in Council.

Exemption of Her Majesty's Ships.

Exemption of Her Majesty's ships.

741. This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Definitions and Provisions as to Application of Act.

Definitions.

742. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them; (that is to say,)

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"VESSEL" includes any ship or boat, or any other description of vessel used in navigation;

"SHIP" includes every description of vessel used in navigation not propelled by oars;

"FOREIGN-GOING SHIP" includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

"HOME TRADE SHIP" includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

"HOME TRADE PASSENGER SHIP" means every home trade ship employed in carrying passengers:

"MASTER" includes every person (except a pilot) having command or charge of any ship:

"SEAMAN" includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

"WAGES" includes emoluments;

"EFFECTS" includes clothes and documents;

"SALVOR" means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

"PILOT" means any person not belonging to a ship who has the conduct thereof;

"COURT" in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates;

"COLONIAL COURT OF ADMIRALTY" has the same meaning as in the Colonial Courts of Admiralty Act, 1890; 53 & 54 Vict. c. 27.

"A COMMISSIONER FOR OATHS" means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889; 52 & 53 Vict. c. 10.

"CHIEF OFFICER OF CUSTOMS" includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port;

"SUPERINTENDENT" shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

"CONSULAR OFFICER," when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

"BANKRUPTCY" includes insolvency;

"REPRESENTATION" means probate, administration, confirmation, or other instrument constituting a person the

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executor, administrator, or other representative of a deceased person;

"LEGAL PERSONAL REPRESENTATIVE" means the person so constituted executor, administrator, or other representative, of a deceased person:

"NAME" includes a surname;

"PORT" includes place;

"HARBOUR" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

"TIDAL WATER" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

"HARBOUR AUTHORITY" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with, the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

"CONSERVANCY AUTHORITY" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

"LIGHTHOUSE" shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;

"BUOYS AND BEACONS" includes all other marks and signs of the sea;

"THE TRINITY HOUSE" shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

"THE COMMISSIONERS OF IRISH LIGHTS" means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter eighty-one, intituled "An Act to alter the constitution of the "Corporation for preserving and improving the Port of "Dublin and for other purposes connected with that "body and with the Port of Dublin Corporation," and any Act amending the same;

"LIFEBOAT SERVICE" means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

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Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Short Title and Commencement.

Short title.

747. This Act may be cited as the Merchant Shipping Act, 1894.

Commencement.

748. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

SCHEDULES.

FIRST SCHEDULE.

PART I.

[*The Forms in this Part of the Schedule are subject to alteration from time to time by the Commissioners of Customs, with the consent of the Board of Trade.*]

Sections 24, 31, 37, 65.

FORM A.—BILL OF SALE.

Official No.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any).

Whether British or Foreign built.	Whether a Sailing or Steam Ship; and if a Steam Ship how propelled.	Where built.	When built.	Name and Address of Builders.

			Feet.	Tenths.
No. of Decks No. of Masts Rigged - - Stern - - Build - - Galleries -	Head - - - Framework and description of vessel - - No. of Bulkheads No. of water ballast tanks and their capacity in tons - -	Length from fore part of Stem, under the bowsprit, to the aft side of the Head of the Stern-post - - Length at quarter of depth from top of weather deck at side amidships to bottom of keel - - - Mainbreadth to outside of Plank - Depth in Hold from Tonnage Deck to Ceiling at Midships - - Depth in hold from Upper Deck to Ceiling at Midships in the case of three Decks and upwards - - Depth from top of Beam amidships to top of Keel - - - - Depth from top of Deck at side amidships to bottom of Keel - - Round of Beam - - - Length of Engine Room, if any -		

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel - tons.	Ditto per inch immersion at same depth - - - - - - tons.

PARTICULARS OF ENGINES (if any).

No. of Engines	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N. H.P. I. H. P., Speed of Ship.
	Engines.		Engines.	Engines.			
	Boilers. Number - - - Iron or Steel - Pressure when loaded		Boilers.	Boilers.			

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PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck - - -		On account of Space required for Propelling Power - - -	
Closed-in Spaces above the Tonnage Deck, if any:		On account of Spaces occupied by Seamen or Apprentices, and appropriated to their use, and certified under the regulations scheduled to this Act. These Spaces are the following, viz.:	
Space or Spaces between Deck			
Poop - - -			
Forecastle - -			
Round house - -			
Other closed-in Spaces, Spaces for Machinery, Light and Air, if any - -		On account of space used exclusively for accommodation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores, and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails - - - -	
		Cubic Metres.	
Gross Tonnage -			
Deductions as per Contra			
Registered Tonnage -		Total Deductions -	

*
in consideration of the sum of _____ paid to† _____ by _____ the receipt whereof is hereby acknowledged, transfer _____ shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said _____.

Further‡ _____ the said _____ for§ _____ heirs covenant with the said _____ and‖ _____ assigns, that¶ _____ have power to transfer in manner aforesaid the premises herein-before expressed to be transferred, and that the same are free from incumbrances** _____.

In witness whereof _____ ha____ hereunto subscribed _____ name _____ and affixed _____ seal this____ _____ day of _____ One thousand eight hundred and _____.

Executed by the above-named _____ in the presence of _____

* "I" or "we."
† "Me" or "us."
‡ "I" or we."
§ "Myself and my" or "ourselves and our."
‖ "His," "her," or "their."
¶ "I" or "we."
** If there be any subsisting Mortgage, or outstanding Certificate of Mortgage, add "save as "appears by the Registry "of the said Ship."

NOTE.—A purchaser of a Registered British Vessel does not obtain a complete title until (1)he Bill of Sale has been recorded at the Port of Registry of the Ship; and neglect of this precaution may entail serious consequences.

(1) Sic in original.

FORM B.—MORTGAGE.

[*Insert description of ship and particulars as in Bill of Sale.*]

i. TO SECURE PRINCIPAL SUM AND INTEREST.

(a)_____ the undersigned _____ in consideration of _____ this day lent to (b)_____ by _____ do hereby for (c)_____ and (d)_____ heirs, covenant with the said _____ firstly That (a)_____ or (d)_____ heirs, executors, or administrators, will pay to the said _____ the said sum of _____ together with interest thereon at the rate of _____ per cent. per annum on the _____ day of _____ next; and secondly, that if the said principal sum is not paid on the said day (a)_____ or (d)_____ heirs, executors, or administrators, will, during such time as the same or any part thereof remains unpaid, pay to the said _____ interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of _____ per cent. per annum, by equal half-yearly payments on the _____ day of _____ and _____ day of _____ in every year; and for better securing to the said _____ the repayment in manner aforesaid of the said principal sum and interest (a)_____ hereby mortgage to the said _____ shares, of which

(a) "I" or "we."
(b) "Me" or "us."
(c) "Myself" or "ourselves."
(d) "My" or "our."

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(a) "I am" or "we are."
(d) Insert the day fixed for payment of principal as above.
(g) If any prior incumbrance add, "save "as appears by the "Registry of the said "Ship."

_____ the Owner _____ in the Ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances. Lastly, (a) _____ for (c) _____ and (d) _____ heirs, covenant with the said _____ and _____ assigns that (a) _____ ha____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g) _____.

NOTE.—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

In witness whereof (a) _____ ha_____ hereto subscribed (d) _____ name_____ and affixed (d) _____ seal ____ this _____ day of _____ One thousand eight hundred and _____.

Executed by the above-named _____ in the presence of _____

ii. TO SECURE ACCOUNT CURRENT, &c.

(c) Here state by way of recital that there is an account current between the Mortgagor (describing him) and the Mortgagee (describing him); and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.
(b) "I" or "we."
(c) "Myself" or "ourselves."
(d) "My" or "our."
(e) "His" or "their."
(f) "I am" or "we are."
(g) If any prior incumbrance add, "save "as appears by the "Registry of the said "Ship."

Whereas (a) _____

Now (b) _____ the undersigned _____ in consideration of the premises for (c) _____ and (d) _____ heirs, covenant with the said _____ and (e) _____ assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said _____ the payment of such sums as last aforesaid, (b) _____ do hereby mortgage to the said _____ shares, of which (f) _____ the Owner _____ in the Ship above particularly described, and in her boats, guns, ammunitions, small arms, and appurtenances.

NOTE.—The prompt registration of a Mortgage Deed at the Port of registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*
(a) "I" or "we."
(b) "My" or "our."

Lastly, (b) _____ for (c) _____ and (d) _____ heirs, covenant, with the said _____ and (e) _____ assigns that (b) _____ ha ____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g) _____.

In witness whereof (a) _____ ha _____ hereto subscribed (b) _____ name _____ and affixed (b) _____ seal _____ this _____ day of _____ One thousand eight hundred and _____.

Executed by the above-named _____ in the presence of _____

FORM C.—TRANSFER OF MORTGAGE.

[*To be indorsed on the original mortgage.*]

(a) "I" or "we."
(b) "Me" or "us."
(c) "Him" or "them."
(d) "I" or "we."
(e) "My" or "our."

(a) _____ the within-mentioned _____ in consideration of _____ this day paid to (b) _____ by _____ hereby transfer to (c) _____ the benefit of the within written security. In witness whereof (d) _____ ha _____ hereunto subscribed (e) _____ name ____ and affixed (e) _____ seal ___, this _____ day of _____ One thousand eight hundred and _____.

Executed by the above-named _____ in the presence of _____

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PART II.

Documents of which the Forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.
Declaration of ownership by individual owner.
Declaration of ownership on behalf of a corporation as owner.
Certificate of registry.
Provisional certificate.
Declaration of ownership by individual transferee.
Declaration of ownership on behalf of a corporation as transferee.
Declaration of owner taking by transmission.
Declaration by mortgagee taking by transmission.
Certificate of mortgage.
Certificate of sale.
Revocation of certificate of sale or mortgage.

SECOND SCHEDULE.

Measurement of Tonnage.

Sections 77, 78. 81, 85.

RULE 1.

Rule I.

Measurement of ships to be registered and other ships of which the hold is clear.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:—

Lengths.

TABLE.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

Class 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

Class 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

Class 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

Class 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts:

Transverse areas.

(2.) Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of the ship at each point of division of the length as follows:—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below the tonnage deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast); then if the depth at the midship division of the length

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do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (i.e., numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage under the tonnage deck in the following manner:—Number the areas respectively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit at the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck, divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship subject to any additions and deductions under this Act.

In case of decks above the tonnage deck.

(4.) If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid. If the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deck house, forecastle, and any other closed-in space.

(5.) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall

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be ascertained as follows:—Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of the space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage under the tonnage deck ascertained as aforesaid. Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

Rule II.

RULE II.

Measurement of ships not requiring registry with cargo on board and ships which cannot be measured under Rule I.

Length.

Breadth.

Girting of the ship.

(1.) Measure the length on the uppermost deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid; then multiply this product by the factor ·0018 (eighteen ten-thousandths) in the case of ships built of wood, and ·0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to any additions and deductions under this Act,

Poop, deck house, forecastle, and other closed-in spaces on upper deck.

(2.) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100 and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

Rule III.

RULE III.

Measurement of allowance for engine room space in steamships.

(i.) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length; take the mean of those breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth, and depth, divide the product by 100 and the result shall be deemed the tonnage of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall (subject to the provisions hereinafter contained) be deemed to be the tonnage of the space.

(ii.) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

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(iii.) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100.

(iv.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until remeasurement.

RULE IV.

Rule IV.

Measurement of open ships.

IV. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

THIRD SCHEDULE.

Section 83.

TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS.

	£	s.	d.
For a ship under 50 tons register tonnage - - -	1	0	0
,, from 50 to 100 tons ,, - - -	1	10	0
,, ,, 100 to 200 ,, ,, - - -	2	0	0
,, ,, 200 to 500 ,, ,, - - -	3	0	0
,, ,, 500 to 800 ,, ,, - - -	4	0	0
,, ,, 800 to 1,200 ,, ,, - - -	5	0	0
,, ,, 1,200 to 2,000 ,, ,, - - -	6	0	0
,, ,, 2,000 to 3,000 ,, ,, - - -	7	0	0
,, ,, 3,000 to 4,000 ,, ,, - - -	8	0	0
,, ,, 4,000 to 5,000 ,, ,, - - -	9	0	0
,, ,, 5,000 and upwards ,, - - -	10	0	0

FOURTH SCHEDULE.

Section 97.

TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION.

For Certificates as Masters and Mates.

	£	s.	d.
Certificate as Master - - - - -	2	0	0
Certificate as Mate - - - - -	1	0	0

For Certificates as Engineers.

	£	s.	d.
Certificate as first-class engineer - - -	2	0	0
Certificate as second-class engineer - - -	1	0	0

FIFTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ANTI-SCORBUTICS.

Furnishing of Anti-Scorbutics.

Section 200.

(1.) The anti-scorbutics to be furnished shall be lime or lemon juice, or such other anti-scorbutics (if any) of such quality, and composed of such materials, and packed and kept in such manner as Her Majesty by Order in Council may direct.

(2.) No lime or lemon juice shall be deemed fit and proper to be taken on board ship, for the use of the crew or passengers thereof, unless it has been obtained from a bonded warehouse for and to be shipped as stores.

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(3.) Lime or lemon juice shall not be so obtained or delivered from a warehouse as aforesaid, unless—

(*a*) it is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, the certificate to be given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse; and

(*b*) it contains fifteen per cent. of proper and palatable proof spirit, to be approved by the inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof; and

(*c*) it is packed in such bottles at such time and in such manner and is labelled in such manner as the Commissioners of Customs may direct.

(4.) If the lime or lemon juice is deposited in a bonded warehouse, and has been approved as aforesaid by the inspector, the spirit, or the amount of spirit necessary to make up fifteen per cent., may be added in the warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(5.) The lime or lemon juice with which a ship is required by this Act to be provided shall be taken from the warehouse duly labelled as aforesaid, and the labels shall remain intact until twenty-four hours at least after the ship has left her port of departure on her foreign voyage.

Serving out of Anti-Scorbutics.

(6.) The lime or lemon juice shall be served out with sugar (the sugar to be in addition to any sugar required by the agreement with the crew).

(7.) The anti-scorbutics shall be served out to the crew so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions.

(8.) The lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out.

(9.) The other anti-scorbutics, if any, provided in pursuance of an Order in Council shall be served out at such times and in such quantities as the Order in Council directs.

SIXTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ACCOMMODATION ON BOARD SHIPS.

Sections 79, 210.

(1.) Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the Second Part of this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

(2.) A place so occupied and appropriated as aforesaid shall not authorise a deduction from registered tonnage under the tonnage regulations of this Act unless there be in the ship properly constructed privies for the use of the crew, of such number and of such construction as may be approved by the surveyor of ships.

(3.) Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of

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customs a certificate to that effect, and if the certificate is obtained, but not otherwise, the space shall be deducted from the register tonnage.

(4.) No deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(5.) Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the chief officer of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it be certified by the surveyor, or by some other surveyor of ships, that the provisions of this Act in respect of the place are fully complied with.

Maximum Fees for Inspection.

(6.) The fee for each visit to the ship shall not exceed ten shillings.

(7.) The aggregate amount of the fees for any such inspection shall not exceed one pound, whatever be the number of separate visits.

(8.) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.

SEVENTH SCHEDULE.

CONSTITUTION OF LOCAL MARINE BOARDS.

Elections.

Constitution of local marine board. Section 244.

1. A local marine board shall consist of the following members; viz.,—
   (*a.*) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint:
   (*b.*) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof:
   (*c.*) Six members elected by the owners of such foreign-going ships and home trade passenger ships as are registered at the port.

2. The election shall be held on the twenty-fifth day of January one thousand eight hundred and ninety-six, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

3. Upon the conclusion of that month and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

4. A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new board.

5. The mayor or provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days notice thereof.

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6. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

7. Owners of foreign-going ships and of home trade passenger ships registered at the port shall have votes at the election as follows; namely,—

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8. The qualification of electors shall be ascertained as follows:—

(*a.*) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(*b.*) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(*c.*) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by the joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of the tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as if first named on the register:

(*d.*) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount:

(*e.*) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and if sufficient, shall constitute his qualification.

9. The chief officer of customs in the port shall, with the assistance of the Registrar-General of Shipping and Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and ninety-five, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the name and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list, and permit the same to be perused by any person, without payment, at all reasonable hours during those two weeks.

10. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January one thousand eight hundred and ninety-six, and in each succeeding third year, nominate two justices of the peace (in this schedule referred to as the revisors) to revise the list.

11. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said chief officer.

12. The revisors shall give three clear days notice of the revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

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13. The revisors shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar-General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

19. The revisors shall certify the expenses properly incurred by the chief officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

Qualification of Members.

21. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

Application to Corporations.

22. A corporation owning a ship shall be entitled to be registered in like manner as any individual, with the substitution of the office of the corporation for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member, and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter, that person shall cease to be a member and another member shall be elected in his place.

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EIGHTH SCHEDULE.

Particulars to be registered by Master of a Ship concerning a Birth at Sea.

Sections 254.

Date of birth.
Name (if any) and sex of the child.
Name and surname, rank, profession, or occupation of the father.
Name and surname, and maiden surname of the mother.
Nationality and last place of abode of the father and mother.

Particulars to be registered by Master of a Ship concerning a Death at Sea.

Date of death.
Name and surname.
Sex.
Age.
Rank, profession, or occupation.
Nationality, and last place of abode.
Cause of death.

NINTH SCHEDULE.

PART I.

Sections 277, 360.

Maximum Fees to be paid for Passenger Steamer's Certificate.

	£	s.	d.
For passenger steamers not exceeding 100 tons	4	0	0
Exceeding 100 tons and not exceeding 300 tons	6	0	0
Exceeding 300 tons and not exceeding 600 tons	8	0	0
And for every additional 300 tons above 600 an additional	2	0	0

PART II.

Maximum Fees for Survey of Emigrant Ships.

	£	s.	d.
For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores	10	0	0
For a special survey	15	0	0

TENTH SCHEDULE.

Regulations as to number of Persons carried on Emigrant Ships.

Sections 292, 367.

(1.) An emigrant ship shall not carry under the poop or in the round house or deck house or on the upper passenger deck, a greater number of steerage passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use.

(2.) An emigrant ship shall not carry on the lower passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use.

(3.) Provided, that if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of steerage passengers on that deck

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than in the proportion of one statute adult to every twenty-five clear superficial feet thereof.

(4.) An emigrant ship, whatever be her superficial space of decks, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or on any round house or deck house which is secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance.

(5.) In the measurement of the passenger decks, poop, round house or deck house, the space for the hospital, and the space occupied by that part of the personal luggage of the steerage passengers which the emigration officer permits to be carried there, shall be included.

ELEVENTH SCHEDULE.

REGULATIONS AS TO THE ACCOMMODATION FOR STEERAGE PASSENGERS.

Construction of Passenger Decks.

Section 293.

(1.) The beams supporting the passenger decks shall form part of the permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction.

(2.) The passenger decks shall be at least one inch and a half thick, and shall be laid and firmly fastened on the beams continuously from side to side of the compartment in which the steerage passengers are berthed.

(3.) The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Berths.

(4.) There shall not be more than two tiers of berths on any one deck. The interval between the floor of berths and the deck immediately beneath it shall not be less than six inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches.

(5.) The berths shall be securely constructed and of dimensions not less than six feet in length and eighteen inches in breadth for each statute adult, and shall be sufficient in number for the proper accommodation of all the steerage passengers contained in the lists of passengers by this Act required to be delivered by the master of the ship.

(6.) No part of any berth shall be placed within nine inches of any water-closet erected in the between-decks.

(7.) All male steerage passengers of the age of fourteen years and upwards (except those who occupy berths with their wives) shall to the satisfaction of the emigration officer at the port of clearance be berthed in the fore part of the ship in a compartment divided off from the space appropriated to the other steerage passengers by a substantial and well-secured bulkhead without opening into or communicating with any adjoining steerage passenger's berth, or, if the ship is fitted with enclosed berths, in separate rooms.

(8.) Not more than one steerage passenger, except in the case of husband and wife, or females, or children under the age of twelve years, shall be placed in or occupy the same berth.

(9.) Berths occupied by steerage passengers during the voyage shall not be taken down until forty-eight hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time. The master of the ship shall alone be liable to a fine for breach of this regulation.

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Hospitals.

(10.) Sufficient space shall be set apart in every emigrant ship for use exclusively as a hospital for the steerage passengers, properly divided off, to the satisfaction of the emigration officer at the port of clearance.

(11.) The space set apart for a hospital shall be under the poop or in the round house, or in any deck house which shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance, or on the upper passenger deck, and not elsewhere.

(12.) The space so set apart shall contain not less than eighteen clear superficial feet for every fifty steerage passengers whom the ship carries; and shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

Privies.

(13.) Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with at least two privies, and with two additional privies on deck for every one hundred steerage passengers on board, and in ships carrying as many as fifty female steerage passengers with at least two water-closets under the poop or elsewhere on the upper deck to the satisfaction of the emigration officer for the exclusive use of women and young children. The privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

(14.) All such privies and waterclosets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

(15.) The master of the ship shall alone be liable to a fine for breach of the regulations as to privies.

Light and Ventilation.

(16.) Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and if there are as many as one hundred steerage passengers on board shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

(17.) The steerage passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as will, in the opinion of the emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit.

TWELFTH SCHEDULE.

WATER AND PROVISIONS.

Water and provisions shall be issued to the steerage passengers according to the following dietary scales; (that is to say,) Section 298.

Water.

Three quarts daily to each statute adult, exclusive of the quantity necessary for cooking any article issued under this schedule in a cooked state.

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Provisions.

Weekly, per statute adult:—

	Scale A. For Voyages *not exceeding* 84 Days for Sailing Ships or 50 Days for Steamships or Ships having Steam Power in aid of Sails.	Scale B. For Voyages *exceeding* 84 Days for Sailing Vessels or 50 Days for Steamships or Ships having Steam Power in aid of Sails.
	lbs. ozs.	lbs. ozs.
Bread or biscuit, not inferior to navy biscuit	3 8	3 8
Wheaten flour	1 0	2 0
Oatmeal	1 8	1 0
Rice	1 8	0 8
Peas	1 8	1 8
Beef	1 4	1 4
Pork	1 0	1 0
Butter	—	0 4
Potatoes	2 0	2 0
Sugar	1 0	1 0
Tea	0 2	0 2
Salt	0 2	0 2
Mustard	0 0½	0 0½
Pepper (white or black), ground	0 0¼	0 0¼
Vinegar	One gill.	One gill.
Preserved meat		1 0
Suet		0 6
Raisins		0 8
Lime juice		0 6 (*See below*)

Substitutions.

Substitutions at the following rates may, at the option of the master of any emigrant ship, be made in the above dietary scales, as follows; (that is to say,)

1¼ lb. of soft bread baked on board for { 1 lb. of flour, or 1 lb. of biscuit, or 1¼ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.

1 lb. of preserved meat for 1 lb. of salt pork or beef.

1 lb. of flour or of bread or biscuit, or ½ lb. of beef or of pork for { 1¼ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.

1 lb. of rice for 1½ lb. of oatmeal, or vice versâ.

¼ lb. of preserved potatoes for 1 lb. of potatoes.

10 oz. of currants for 8 oz. of raisins.

3½ oz. of cocoa or of coffee, roasted and ground for 2 oz. of tea.

¾ lb. of treacle for ½ lb. of sugar.

1 gill of mixed pickles for 1 gill of vinegar.

Provided that the substitute articles are set forth in the contract tickets of the steerage passengers.

Regulations as to Lime Juice.

Lime juice.

When the ship is not in the Tropics, it shall not be obligatory to issue lime juice, but lime juice may be issued at the discretion of the medical practitioner on board, or if there is no such medical practitioner, at the discretion of the master.

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Regulations as to Messes and Issue of Provisions.

(1.) Steerage passengers may be divided into messes, but a mess shall not consist of more than ten statute adults.

(2.) Members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess.

(3.) Water and provisions according to the above scales shall be issued daily before two o'clock in the afternoon to the head person for the time being of each mess, on behalf and for the use of the members thereof.

(4.) The first of the issues shall be made before two o'clock in the afternoon of the day of embarkation to such of the steerage passengers as are then on board.

(5.) Such provisions as require to be cooked shall be issued in a properly cooked state.

THIRTEENTH SCHEDULE.

Conditions for Carriage of Horses and Cattle in Emigrant Ships.

(1.) The animals shall not be carried below any deck on which steerage passengers are berthed, nor in any compartment in which steerage passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by watertight bulkheads extending to the upper deck. Section 301.

(2.) Clear space on the spar or weather deck shall be left for the use and exercise of the steerage passengers, at the rate of at least ten superficial feet for each statute adult.

(3.) No greater number of steerage passengers shall be carried than in the proportion of fifteen to every one hundred tons of the ship's registered tonnage.

(4.) In emigrant ships of less than five hundred tons registered tonnage not more than two head of large cattle shall be carried, nor in emigrant ships of larger tonnage more than one additional head of large cattle for every additional two hundred tons of the ship's registered tonnage, nor more in all in any emigrant ship than ten head of large cattle. The expression "large cattle" includes both sexes of horned cattle, deer, horses, and asses; and four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle.

(5.) Proper arrangements shall be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder.

(6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any emigrant ship.

FOURTEENTH SCHEDULE.

FORMS UNDER PART III. (PASSENGER AND EMIGRANT SHIPS.) Section 360.

FORM I.

FORM OF MASTER'S BOND.

KNOW all men by these presents, that we,(1)
are held and firmly bound unto our Sovereign by the Grace of God, of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of (2) *two thousand* pounds of good and lawful money of Great Britain, to be paid to our said Sovereign, Her [His] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and

(1) Insert here the Christian and surnames in full, with occupations and addresses of each of the two obligors.

(2) The sum must be *five thousand* pounds if neither the owner or charterer of the ship reside in the British Islands.

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Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that, before any emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent, or being the master, one other good and sufficient person, approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond to the Crown, in the sum of two thousand pounds:

Now the condition of this obligation is such, that if the ship whereof the above bounden is master, bound to is in all respects seaworthy,(3) [and if the said ship shall call at the port of and there shall be shipped on board at such port pure water for the use of the steerage passengers, sufficient in quantity to afford an allowance of three quarts daily to each statute adult for the period of days on the voyage from such port to the final port or place of discharge of such ship,] and if (notwithstanding any fine by the said Act imposed, and whether the same may have been sued for and recovered or not) all and every the requirements of the said Merchant Shipping Act, 1894, (except such of them as relate exclusively to passage brokers and emigrant runners) and of the Board of Trade acting under the said Act, and of any Order of Her Majesty in Council relating to "emigrant ships" and now in force, shall in all respects be well and truly performed(4) [and if the master for the time being of the said ship shall submit himself, in like manner as a British subject being the master of a British emigrant ship, to the jurisdiction of the tribunals in Majesty's possessions abroad, empowered by the said Act to adjudicate on offences committed against the said Act,] and if moreover all fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by a Secretary of State or governor of a British possession or British consular officer under the said Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above bounden and in the presence of‡

§[I hereby certify, that the above bond was duly signed, sealed, and delivered according to the law of the United Kingdom by the said master of the said ship and by the said (*other obligor*).]

(Signature) _____ { Chief Officer of Customs for the port of .

(Date) _____ 18 .

(3) The clause within brackets is to be inserted only when the ship is to call at an intermediate port to take in water as provided in Part III. of the Merchant Shipping Act, 1894.

(4) This clause to be inserted only in the case of a foreign emigrant ship proceeding to any British possessions.

‡ Insert names and addresses in full of the witnesses.

§ Certificate to be signed by the chief officer of customs and forwarded with the bond to the colony, according to s. 319 of the Act.

FORM II.

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, that the provisions actually laden on board this ship are sufficient, according to the requirements of Part III. of the Merchant Shipping Act, 1894, for statute adults for a voyage of days.

(Signature) _____ Master.

Date _____ 18 .

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NAMES AND DESCRIPTIONS OF PASSENGERS.

Ports of Embarkation.	Number of Contract Ticket.	Names of Passengers.	Profession, Occupation, or Calling of Passenger.	ENGLISH.							SCOTCH.							IRISH.							FOREIGNERS.							Port at which Passengers have contracted to land.
				Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.			Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		Age of each Adult of 12 Years and upwards.				Infants.		
				Married.		Single.							Married.		Single.						Married.		Single.							Married.		Single.				
				Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	

SUMMARY OF STEERAGE AND CABIN PASSENGERS.

NATIONALITIES.	Number of Souls.							
	Adults of 12 Years of Age and upwards.				Children between 1 and 12 Years.		Infants.	
	Married.		Single.					
	M.	F.	M.	F.	M.	F.	M.	F.
English - -								
Scotch - -								
Irish - -								
Foreigners -								
TOTAL -								

No.

Total Number of Adults - - - -
Children between 1 and 12; equal to Statute Adults - _____

Total Number of Statute Adults - - _____

We hereby certify, that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of _____.

(Signed) _____ Master.
_____ Emigration Officer.
(Countersigned) _____ Officer of Customs at _____.
Date _____ 18 .

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clear out; and similar certificates be subjoined to such additions, according to the requirements of the Act.

FORM III.

FORM OF GOVERNOR'S OR CONSULAR OFFICER'S CERTIFICATE OF EXPENDITURE IN THE CASE OF PASSENGERS WRECKED OR FORWARDED.

I HEREBY certify, that, acting under and in conformity with the provisions of the Merchant Shipping Act, 1894, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores (1), and in forwarding to their destination steerage passengers [and cabin passengers (2)], who were proceeding from to in the ship , which was wrecked at sea, &c. (3).

And I further certify, for the purposes of Part III. of the said Act, that the total amount of such expenses is pounds, and that such expenses were duly incurred by me under the said Act.

Given under my hand, this day of 18 .

Governor of, &c., (or as the case may be.)
British Consular Officer at

(1) If more passengers were rescued than forwarded, or if bedding, &c. was not supplied, alter the certificate to suit the facts of the case.

(2) Omit words in brackets when necessary.

(3) State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.
Section 350.

FORM IV.

FORM OF PASSAGE BROKER'S BOND.

KNOW all men by these presents, that we, *A.B.* (1) of *C.D.* of, *&c.* and *E.F.* of, *&c.* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland defender of the faith. in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign, Her [His] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and

(1) Insert names and surnames in full with occupation and address of each of the parties.

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Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that a person shall not, save as therein excepted, directly or indirectly act as a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, unless such person has entered, with two good and sufficient sureties, to be approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds: And whereas the said *C.D.* and *E.F.* have been duly approved by the proper emigration officer as sureties for the said *A.B.*:

Now the condition of this obligation is such, that if the above bounden *A.B.* and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said Act, so far as the same relate to passage brokers, and further shall well and truly pay all fines and forfeitures, and also all sums of money, by way of subsistence money, or of return of passage money or compensation, to any steerage passenger, or on his account, together with all costs which the above bounden *A.B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of the said Act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden *A.B.*, *C.D.*, and *E.F.*, in the presence of (2)

(2) Insert the names and addresses in full of the witnesses.

N.B.—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the Board of Trade and the other part with the emigration officer at the port nearest to the place of business of the broker.

Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

The bond is exempt from stamp duty, but must be renewed annually with the licence.

FORM V.

FORM OF PASSAGE BROKER'S LICENCE.

A.B. (1) of in the having shown to the satisfaction of the council of [*or* me (*or* us) the undersigned], that he hath given bond to the Crown, as required by the Merchant Shipping Act, 1894, and also given fourteen days previous notice to the Board of Trade of his intention to apply for a licence to carry on the business of a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, the said council [*or* I (*or* we), the undersigned], having had no sufficient cause shown and seeing no valid reason why the said *A.B.* should not receive such licence, do hereby licence and authorise the said *A.B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.* as provided in the Merchant Shipping Act, 1894.

(1) The names and surnames in full, with the address and trade or occupation of the party applying for the Licence must be correctly inserted. If a member of a firm, the names and surnames of all the members must be given.

Given under the common seal of the said council [*or* my hand and seal (*or* our respective hands and seals)], this day of 18

at

(L.S.) [signature authenticating seal.]

[*or* Signature] _____ (L.S.) { Sheriff, *or* sheriff substitute, *or* justices of the peace *as the case may be.*

Note.—Each member of a firm or partnership who acts as a passage broker must have a separate licence.

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FORM VI.

FORM of NOTICE to be given to the Board of Trade by Licensing Authority granting a Licence.

Gentlemen,

THIS is to give you notice, that the council of [*or* we (*or* I), the undersigned], did on the day of 18 license *A.B.* of(1) to carry on the business of a passage broker under the provisions of the Merchant Shipping Act, 1894.

(1) Insert the names and surnames in full, with the address and occupation of the party.

Signatures _____ { Clerk of the said council *or* sheriff *or* Justices of the Peace, *or as the case may be.*

_____

Place _____

Date _____

To the Board of Trade, London.

FORM VII.

FORM of NOTICE to be given to the Board of Trade by an Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A.B.*(1) of in do hereby give you notice that it is my intention to apply, after the expiration of fourteen clear days from the date of putting this notice into the post to the council for the city *or* borough *or* district of *or if in Scotland* to the sheriff *or* sheriff substitute of *or if in Ireland* to the justices assembled in petty sessions to be held (2), *as the case may be*, for a licence to carry on the business of a passage broker under the Merchant Shipping Act, 1894.

(1) The names and surname in full, with the address and trade or occupation of the party applying for a licence, must be here correctly inserted.

(2) The place or district in which the party giving the notice has his place of business.

Signature _____

Date _____

To the Board of Trade, London.

FORM VIII.

FORM of NOTICE of forfeiture of a Passage Broker's Licence to be given by the Court by which it is forfeited to the Board of Trade.

Gentlemen,

THIS is to give you notice, that the licence granted on the day of 18 to *A.B.* (1) of in to act as a passage broker, was on the day of now last past duly declared by me (*or* us) the undersigned to be forfeited.(2)

(1) The names and surname in full, with the address and trade or occupation of the party, to be here inserted.

(2) Here state generally the reason of forfeiture.

Signatures _____

_____

Place and date _____ 18

To the Board of Trade, London.

FORM IX.

FORM of APPOINTMENT of Passage Broker's Agent.

DIRECTIONS.

Insert in the proper places the names and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

I, *A.B.* of, *&c.* (*or as the case may be*), one of the partners and on behalf of the firm of, *&c.* (*name all the partners and the style of the firm*), carrying on the business of at , do hereby nominate and appoint you *C.D.* of, *&c.*, to act as my agent and on my behalf in the sale or letting of steerage passages and otherwise in the business of a passage broker, according to the Merchant Shipping Act, 1894.

Signature in full _____

Place and date _____

Counter signature _____ { Emigration officer at the port of _____

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FORM X.

FORM of EMIGRANT RUNNER'S Annual Licence.

A.B. (1) of in the having made application in writing to the council of [*or* me, the sheriff, *or* us, the undersigned justices of the peace assembled in petty sessions, for the of] to grant to him a licence to enable him to be registered as an emigrant runner in and for (2) , and the said [*A.B.*] having also been recommended as a proper person to receive such licence by an emigration officer, *or* by the chief constable [*or other head officer of police, as the case may be*] of [*the district, town, or place in which the said A.B. is to carry on his business*]: the said council [*or* I, the sheriff, *or* we, the under-mentioned justices] having no sufficient cause shown and seeing no valid reason why the said *A.B.* should not receive such licence, do hereby grant to him this licence for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A.B.*, as provided in the Merchant Shipping Act, 1894.

(Signatures, and authenticating seal.)

(1) The names and surname in full, with the address of the party applying for the licence, must be here correctly inserted.

(2) District, town, or place in which the emigrant runner is to carry on his business.

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FIFTEENTH SCHEDULE.

Section 375.

NUMBER and DIMENSIONS of BOATS for FISHING BOATS entered in the FISHING BOAT REGISTER.

Registered Tonnage.		Column 1. To be carried by Sailing Boats and Steam Boats.								Column 2. To be carried by Sailing Boats and by Steam Boats when they do not carry the Boats in Col. 3.				Column 3. To be carried by Steam Boats which do not carry the Boat in Col. 2.				Column 4. Total Number of Boats.	
		Boats.				Boats.				Launches.				Boats.					
Sailing Boats.	Steam Boats.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Boats.	Steam Boats.
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		
400 and upwards	240 and upwards	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4, as the case may be.
200 to 400	120 to 240	1	14	5 0	2 2	–	–	—	—	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3 „ „
100 to 200	60 to 120	1	14	5 0	2 2	–	–	—	—	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3 „ „
Under 100	Under 60	1	14	5 0	2 2	–	–	—	—	–	–	—	—	–	–	—	—	1	1 „ „

Note.—In sailing boats carrying the number of boats above specified, and steam boats carrying the larger of the two numbers above specified, the boats are to be considered sufficient, their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.
In steam boats carrying the smaller of the two numbers, specified in column 4, one of the boats must be a launch of the capacity specified in column 2.
In sailing boats of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in column 1.
In sailing boats of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.
In all steam boats, two paddlebox boats may be substituted for the boats in column 3.

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SIXTEENTH SCHEDULE.

Maximum Fees for Inspection of Lights and Fog Signals.

	£	s.	d.
For each visit made to a ship on the application of the owner and for each visit made where the lights or fittings are found defective - - - - -	0	10	0

Section 420.

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound whatever may be the number of separate visits.

SEVENTEENTH SCHEDULE.

LIFE SAVING APPLIANCES.

Constitution of the Committee.

Section 429.

(1.) Three shipowners selected by the Council of the Chamber of Shipping of the United Kingdom.

(2.) One shipowner selected by the Shipowners Associations of Glasgow and one shipowner selected by the Liverpool Steamship Owners Association and the Liverpool Shipowners Association conjointly.

(3.) Two shipbuilders selected by the Council of the Institution of Naval Architects.

(4.) Three persons practically acquainted with the navigation of vessels selected by the shipmasters societies recognised by the Board of Trade for this purpose.

(5.) Three persons being or having been able-bodied seamen selected by seamen's societies recognised by the Board of Trade for this purpose.

(6.) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

Section 453.

(1.) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.

(2.) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

(*a*) to oats, or cotton seed; nor

(*b*) to a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade; nor

(*c*) to a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as herein-after mentioned, and if the ship does not carry more than one fourth of the grain cargo, and not more than one thousand five hundred quarters in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor

(*d*) to a ship in which the grain cargo does not exceed one half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed

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as to prevent the grain in any compartment, bin, or division from shifting.

(3.) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(4.) In loading the grain shall be properly stowed, trimmed, and secured.

NINETEENTH SCHEDULE.

PART I.

STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS.

Section 558.

(1.) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved:—

(*a.*) The place, condition, and circumstances in which the vessel, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(*b.*) The nature and duration of the services rendered.

(2.) Additional particulars to be stated by the salvor:—

(*a.*) The proportion of the value of the vessel, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the vessel, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(*b.*) Any other circumstances which he thinks relevant to the said claim.

(3.) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property:—

(*a.*) A copy of the certificate of registry of the said vessel, and of the endorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(*b.*) The name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is:

(*c.*) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(*d.*) The name and place of business or residence of the owner of the cargo and of the consignee thereof:

(*e.*) The values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest:

(*f.*) The amounts which the master thinks should be paid as salvage for the services rendered:

(*g.*) An accurate list of the property saved in cases where the vessel is not saved:

(*h.*) An account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made:

(*i.*) The number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(*k*) Any other circumstances he thinks relevant to the matters in question.

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PART II.

SALVAGE BOND.

[*N.B.—Any of the Particulars not known, or not required, by reason of the claim being only against the Cargo, &c., may be omitted.*]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the same of the freighter*], and to the cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*]:

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*], and a statement of the salvage claim has been sent to [*insert the name of the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*].

Now I, the said [*master's name*], do hereby, in pursuance of the Merchant Shipping Act, 1894, bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other court, substitute the name of it here*], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed, and delivered by the said [*master's name*].

(L.S.)

In the presence of [*name of consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, and of the office he fills.*]

TWENTIETH SCHEDULE.

MAXIMUM FEES AND REMUNERATION OF RECEIVERS.

	£	s.	d.	
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding - - - - -	1	0	0	Section 567.
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.				
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of - - -	0	10	0	
For wreck taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof.				
But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.				
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; (that is to say,)				
If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.				

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'TWENTY-FIRST

Section 582.

MAXIMUM RATES of PILOTAGE to be DEMANDED and RECEIVED by

[N.B.—The rates which can be actually taken may, by virtue of an order

OUTWARDS.

From	To	7 Feet and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.	13 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoseley Bay, and vice versâ.	Nore Warps	3 13 6	4 2 9	4 12 0	5 1 3	5 5 9	6 5 0	6 13 6
	Gravesend, Chatham, Standgate Creek, or Blackstakes.	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6	8 19 6
	Long Reach	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9	9 8 6
	Woolwich or Blackwall	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0	10 2 6
	Moorings or London Docks.	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3	10 11 6
The Nore or Warps, and vice versâ.	Gravesend, Standgate Creek, or Blackstakes.	1 18 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3	3 11 9
	Long Reach or Chatham.	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3	4 2 9
	Woolwich or Blackwall	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3	4 19 0
	Moorings or London Docks.	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	5 5 9	5 15 0
Gravesend Reach, and vice versâ.	Long Reach	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6	1 19 0
	Woolwich or Blackwall	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6	3 2 6
	Moorings or London Docks.	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6	3 13 6
	Sheerness, Standgate Creek, or Blackstakes.	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9	4 12 0
	Chatham	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3
Long Reach, and vice versâ.	Woolwich or Blackwall	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0	2 15 3
	Moorings or London Docks.	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3	3 4 6
	Sheerness, Standgate Creek, or Blackstakes.	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3
	Chatham	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6
Woolwich or Blackwall, and vice versâ.	Moorings or London Docks.	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3	1 16 9
	Sheerness, Standgate Creek, or Blackstakes.	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6
	Chatham	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6	5 19 6

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SCHEDULE.

qualified PILOTS for piloting SHIPS within the under-mentioned Limits.

of the Trinity House, be less than those mentioned in this Schedule.]

OUTWARDS.								
14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
7 7 3	7 16 6	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
9 13 3	10 7 0	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3
10 0 0	10 16 3	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
11 0 9	11 14 6	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	—
11 10 0	12 8 6	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	—	—	—
3 15 6	4 2 9	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
4 7 0	4 13 9	5 5 0	5 16 0	6 15 3	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
5 8 6	5 16 0	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	—
6 4 3	6 13 6	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	—	—
2 3 9	2 8 3	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	—
3 11 9	3 18 3	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 18 3	—
4 2 9	4 12 0	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	—	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	—	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	—	—	—
3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	—
3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	7 7 3	9 4 0	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	—	—
5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	—	—
2 1 6	2 6 0	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	—	—	—
5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	—	—	—
6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	—	—	—

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INWARDS.

From	To	Under 7 feet.	From 7 feet to 10 feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs	Nore, Sheerness, Standgate Creek, Gravesend	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9	11 0 6
	Longreach	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0	11 18 10
	Blackwall or London	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6	12 17 3
Standgate Creek.	Gravesend	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3	6 1 3

NOTE 1.—Foreign Ships are to pay One Fourth more than British Ships, except when privileged British Ships, in which cases such Ships are to pay the same Rates of Pilotage only as are payable by

NOTE 2.—For Half a Foot exceeding the above Draughts of Water, the Medium Price between the

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by Compass	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland, the Lights in one	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the pilot is put on Board by a Boat from the Shore, One Seventh to the Pilot, and the remaining Six Sevenths to the Boat and Crew.

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INWARDS.								
15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
6 12 3	7 3 9	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

to enter the Ports of the United Kingdom upon paying the same duties of Tonnage as are paid by British Ships.
Two Limits.—For intermediate Distances a proportionate Rate.

In the River Thames above Gravesend.

	£ s. d.	
For a Boat of a Class carrying an Anchor of above 4 Cwt. with a corresponding Tow Line - - - - - -	2 2 0	Per Trip for the whole Distance from Gravesend to London and in proportion for any Part of that Distance.
- - Do. Do. - 2 Cwt.	1 1 0	
- - Do. Do. under 2 Cwt.	0 15 0	

And for each Man's Service in those Boats, 8*s.* per Tide.

For removing a Ship from Moorings into a Dry or Wet Dock:

	£ s. d.
For a Ship under 300 tons - - - - - -	0 15 0
„ 300 to 600 „ - - - - -	1 1 0
„ 600 to 1,000 „ - - - - -	1 11 6
„ above 1,000 „ - - - - -	2 2 0

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TWENTY-SECOND SCHEDULE.

Section 745.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
17 Edw. 2. Stat. 2. c. 11. (Prerog. Reg. Stat. temp. incert. c. 13. in Rev. Edition).	Prerogativa Regis -	The words "wreck of the sea."
4 Geo. 4. c. 80.	An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade . . .	Section twenty-seven, section twenty-eight, from "and for every omission" to "herein is required" and the word "omission" after "non-observance," and section thirty-four.
15 & 16 Vict. c. 26.	The Foreign Deserters Act, 1852.	The whole Act.
16 & 17 Vict. c. 84.	An Act to amend the Passengers Act, 1852, so far as relates to the passages of natives of Asia or Africa, and also passages between the Island of Ceylon and certain parts of the East Indies.	The whole Act.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	The whole Act.
17 & 18 Vict. c. 120.	The Merchant Shipping Repeal Act, 1854.	Section sixteen.
18 & 19 Vict. c. 91.	The Merchant Shipping Act (Amendment) Act, 1855.	The whole Act.
18 & 19 Vict. c. 119.	The Passengers Act, 1855.	The whole Act.
19 & 20 Vict. c. 41.	The Seamen's Savings Bank Act, 1856.	The whole Act.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861	Sections nine, twelve, and twenty-four.
24 & 25 Vict. c. 52.	The Australian Passengers Act, 1861.	The whole Act.
25 & 26 Vict. c. 63.	The Merchant Shipping Amendment Act, 1862.	The whole Act.

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Session and Chapter.	Short Title.	Extent of Repeal.
26 & 27 Vict. c. 51.	The Passengers Act Amendment Act, 1863.	The whole Act.
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867.	Sections thirty-five and forty-five.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	The whole Act, except section one as far as "Act, 1867," and section twelve.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections twenty-two to twenty-four.
31 & 32 Vict. c. 129.	The Colonial Shipping Act, 1868.	The whole Act.
32 & 33 Vict. c. 11.	The Merchant Shipping (Colonial) Act, 1869.	The whole Act.
33 & 34 Vict. c. 95.	The Passengers Act (Amendment) Act, 1870.	The whole Act.
34 & 35 Vict. c. 110.	The Merchant Shipping Act, 1871.	The whole Act.
35 & 36 Vict. c. 73.	The Merchant Shipping Act, 1872.	The whole Act, except sections one, ten, and seventeen.
36 & 37 Vict. c. 85.	The Merchant Shipping Act, 1873.	The whole Act.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section thirty-seven, except sub-section (6), and except so far as the section relates to Her Majesty's ships.
38 & 39 Vict. c. 17.	The Explosives Act, 1875.	Section forty-two.
39 & 40 Vict. c. 27.	The Local Light Dues Reduction Act, 1876.	The whole Act.
39 & 40 Vict. c. 80.	The Merchant Shipping Act, 1876.	The whole Act.
40 & 41 Vict. c. 16.	The Removal of Wreck Act, 1877.	The whole Act.
42 & 43 Vict. c. 72.	The Shipping Casualties Investigation Act, 1879.	The whole Act.
43 & 44 Vict. c. 16.	The Merchant Seamen Payment of Wages and Rating Act, 1880.	The whole Act, except the first paragraph of section one and section eleven.

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Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 18.	The Merchant Shipping Act (1854) Amendment Act, 1880.	The whole Act.
43 & 44 Vict. c. 22.	The Merchant Shipping (Fees and Expenses) Act, 1880.	Sections two, five, six, and seven.
43 & 44 Vict. c. 43.	The Merchant Shipping (Carriage of Grain) Act, 1880.	The whole Act.
45 & 46 Vict. c. 55.	The Merchant Shipping (Expenses) Act, 1882.	The whole Act, except the first paragraph of section one and section eight.
45 & 46 Vict. c. 76.	The Merchant Shipping (Colonial Inquiries) Act, 1882.	The whole Act.
46 & 47 Vict. c. 22.	The Sea Fisheries Act, 1883.	Section eight.
46 & 47 Vict. c. 41.	The Merchant Shipping (Fishing Boats) Act, 1883.	The whole Act.
49 & 50 Vict. c. 38.	The Riot (Damages) Act, 1886.	In section six, Paragraph (*a*), and the words "plundering, damage," before "injury;" and from "and as if" to the end of the section.
50 & 51 Vict. c 4.	The Merchant Shipping (Fishing Boats) Act, 1887.	The whole Act.
50 & 51 Vict. c. 62.	The Merchant Shipping (Miscellaneous) Act, 1887.	The whole Act.
51 & 52 Vict. c. 24.	The Merchant Shipping (Life Saving Appliances) Act, 1888.	The whole Act.
52 & 53 Vict. c. 5.	The Removal of Wrecks Act, 1877, Amendment Act, 1889.	The whole Act.
52 & 53 Vict. c. 29.	The Passenger Acts Amendment Act, 1889.	The whole Act.
52 & 53 Vict. c. 43.	The Merchant Shipping (Tonnage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 46.	The Merchant Shipping Act, 1889.	The whole Act.

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Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 68.	The Merchant Shipping (Pilotage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 73.	The Merchant Shipping (Colours) Act, 1889.	The whole Act.
53 & 54 Vict. c. 9.	The Merchant Shipping Act, 1890.	The whole Act.
55 & 56 Vict. c. 37.	The Merchant Shipping Act, 1892.	The whole Act.

58 & 59 Victoria.—A.D. 1895.

CAP. XXXV.

An Act to make provision for the Construction of Works in the United Kingdom and elsewhere for the purpose of the Royal Navy, and to amend the Law relating to the Acquisition of Land for Naval Purposes.

[6th July 1895.]

WHEREAS it is expedient to make provision for the construction of the works specified in the schedule to this Act both in the United Kingdom and in the colonies in the schedule mentioned:

And whereas by the Defence Act, 1842, and the enactments amending the same (in this Act referred to as the Defence Acts), and by the Military Lands Act, 1892, powers are conferred on a Secretary of State for the acquisition of land for the defence of the realm, and for the military purposes of any portion of Her Majesty's military forces, and it is expedient to extend those Acts to the Admiralty and Her Majesty's naval forces: 5 & 6 Vict. c. 94. 55 & 56 Vict. c. 43.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Admiralty to construct scheduled works.

1. The Admiralty may forthwith proceed to construct the works as specified in the schedule to this Act at the places therein mentioned and for that purpose may acquire such lands and execute such works as they may deem expedient.

Powers of Admiralty as to purchase of land.

2.—(1.) With a view to the purchase of land in the United Kingdom for the purposes of this Act, or for any purpose of Her Majesty's Navy, the Defence Acts, and the Military Lands

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5 & 6 Vict. c. 94. 36 & 37 Vict. c. 72. 55 & 56 Vict. c. 43.

Act, 1892, except so far as it relates to a volunteer corps, shall have effect as if they were herein re-enacted with the substitution of the Admiralty for a Secretary of State, and for the principal officers of Her Majesty's Ordnance, and for the Ordnance Department, and of naval for military, and naval service for ordnance service.

27 & 28 Vict. c. 57. 5 & 6 Vict. c. 94.

(2.) All land acquired by the Admiralty in pursuance of this Act shall vest and be managed under the Admiralty Lands and Works Act, 1864, and sections nine to nineteen of that Act shall apply accordingly, and the provisions of the Defence Act, 1842, for the like purpose shall not apply.

Issue of money out of Consolidated Fund for expenses of scheduled works.

3. The Treasury shall issue out of the Consolidated Fund or the growing produce thereof such sums not exceeding in the whole the sum of one million pounds as may be required by the Admiralty for commencing, advancing, or completing the works as specified in the schedule to this Act.

Restrictions on applications of money issued.

4.—(1.) Before any moneys are issued for the purpose of expenditure under any one of the heads in the schedule to this Act, the Admiralty shall submit to the Treasury an estimate, with such details as may be required by the Treasury, of the expenditure under that head for which it is for the time being proposed to issue money, together with the statement of a date by which the work or portion of work therein provided for is expected to be completed.

(2.) There shall be no excess of any expenditure proposed by the estimate under any head in the schedule above the amount stated for that head in the schedule, unless the Admiralty previously certify that the excess will be compensated by a saving under some other head, and that the excess will not cause the total expenditure to exceed the total sum specified in the schedule, and the Treasury are satisfied that the certificate is correct, and sanction the expenditure, and upon such sanction being given the said saving may be applied towards the payment of the said excess.

Borrowing to raise money for purposes of Act.

5.—(1.) The Treasury may, if they think fit, at any time for the purpose of providing money for sums to be issued out of the Consolidated Fund under this Act, or repaying to that fund all or any part of the sums so issued, borrow money by means of terminable annuities for such period not exceeding thirty years from the passing of this Act as the Treasury may fix, and all sums so borrowed shall be paid into the Exchequer.

(2.) The said annuities shall be paid out of the moneys annually provided by Parliament for naval services; and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, but shall not be payable as part of the permanent annual charge for the National Debt.

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6.—(1.) The Admiralty shall cause to be made out an account, in the form required by the Treasury, showing :— Accounts of expenditure.

(*a*) the money expended in pursuance of this Act, and the purposes on which that money was expended, distinguishing the expenditure under each of the heads in the schedule to this Act; and

(*b*) any securities created for providing such money.

(2.) The accounts of expenditure under this Act shall be audited and reported upon by the Comptroller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866. 29 & 30 Vict. c. 39.

7. This Act may be cited as the Naval Works Act, 1895. Short title.

SCHEDULE.

HEADS OF PROPOSED EXPENDITURE.

Works.	Total Estimated Cost.	Estimated Expenditure to 31st March 1895.	Further Amount required.	To be provided in 1895-96.	Expected Date of Completion.
(*a.*) Enclosure and Defence of Harbours against Torpedo Attack—	£	£	£	£	
Gibraltar—					
Completion of present mole.	83,000	20,000	63,000	30,000	1899-1900
Extension of present mole	310,000	2,000	308,000	80,000	
Detached mole - -	585,000	—	585,000	75,000	
Deepening harbour -	48,000	—	48,000	10,000	
Dolphins - -	48,000	—	48,000	—	—
Portland—					
Breakwater - -	650,000	—	650,000	90,000	1900-1
Dover—					
Breakwater, &c. - -	1,920,000	—	1,920,000	10,000	1905-6
(*b.*) Adapting Naval Ports to present Needs of Fleet—					
Deepening harbours and approaches.	960,000	99,000	861.000	300,000	1898-9
Keyham Dockyard extension	1,920,000	—	1,920,000	80,000	1902-3
Portsmouth Docks - -	339,000	100,000	239,000	150,000	1896-7
Gibraltar Dock or Docks -	361,000	4,000	357,000	80,000	1899-1900
Hong Kong Dockyard extension.	290,000	—	290,000	10,000	1900-1
(*c.*) Naval Barracks, &c.—					
Chatham Naval Barracks -	347,000	—	347,000	27,000	1897-8
Portsmouth do.	595,000	—	595,000	1,000	1899-1900
Walmer Marine Depôt (extension).	20,000	—	20,000	20,000	1895-6
Keyham Engineers' College (extension).	30,000	—	30,000	20,000	1896-7
(*d.*) Superintendence and Miscellaneous Charges.	300,000	—	300,000	17,000	—
			8,581,000	1,000,000	

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59 Victoria.—A.D. 1896.

CAP. VI.

An Act to make provision for the Construction of Works in the United Kingdom and elsewhere for the purpose of the Royal Navy. [31st March 1896.]

Most Gracious Sovereign,

58 & 59 Vict. c. 35.

WHEREAS it is expedient to make provision for the construction of the works specified in the schedule to this Act, both in the United Kingdom and in the colonies in the schedule mentioned:

And whereas the said schedule sets forth estimates, of the cost of those works, of the time within which they are to be completed, of the amount expended thereon, and of the amount required for the expenditure thereon during the financial year ending the thirty-first day of March one thousand eight hundred and ninety-seven:

And whereas money for the construction of some of the said works was granted by the Appropriation Act, 1894, and by the Naval Works Act, 1895, and the sum of one million pounds granted by the latter Act will soon have been wholly expended:

And whereas it is expedient to make further provision for the construction of those works, and also to make provision for the construction of the other works specified in the schedule to this Act:

Now we, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having considered the premises and being desirous to provide forthwith for the construction of the said works, have cheerfully granted to Your Majesty a further sum of two million seven hundred and fifty thousand pounds, to be paid out of the Consolidated Fund, towards defraying the expenses incurred or to be incurred for the said construction, and we have resolved that the said sum may be provided as herein-after mentioned; and we do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Admiralty to construct scheduled works.

1. The Admiralty may forthwith proceed with the construction of the works specified in the schedule to this Act at the places therein mentioned, and for that purpose may acquire such lands and execute such works as they may deem expedient.

Issue of money out

2. In addition to the sums authorised by any other Act to be issued, the Treasury shall issue out of the Consolidated Fund

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or the growing produce thereof such sums not exceeding in the whole the sum of two million seven hundred and fifty thousand pounds as may be required by the Admiralty for the purposes of this Act. Of Consolidated Fund for purposes of Act.

3.—(1.) Before any moneys are issued for the purpose of expenditure under any one of the heads in the schedule to this Act, the Admiralty shall submit to the Treasury an estimate, with such details as may be required by the Treasury, of the expenditure under that head for which it is for the time being proposed to issue money, and shall therewith state the period within which it is proposed to expend the money so issued. Restrictions on applications of money issued.

(2.) There shall be no excess of any expenditure for any work specified in the schedule above the amount stated for that work in the fifth column of the schedule, unless the Treasury and Admiralty are satisfied that the excess will be compensated by savings on the expenditure specified in that column of the schedule for other works, so that no excess will be caused over the total expenditure specified in the fifth column of the schedule; and in such cases the savings may be applied in payment of the excess.

4. Such sum as is shown by the account certified by the Comptroller and Auditor-General under section four of the Sinking Fund Act, 1875, to be the surplus of income above expenditure for the financial year ending the thirty-first day of March one thousand eight hundred and ninety-six shall, instead of being applied as provided by the above-mentioned Act, be set apart in the Exchequer account and applied by the Treasury at such times as they direct, as follows: Application of surplus income of year 1895–6 for expenses of scheduled works. 38 & 39 Vict. c. 45.

(*a*) in paying off with interest any sum borrowed under the Naval Works Act, 1895; 58 & 59 Vict. c. 35.

(*b*) in repaying to the Consolidated Fund any sums issued in pursuance of the Naval Works Act, 1895, and not already repaid;

(*c*) in paying any sums authorised by this or any future Act to be issued out of the Consolidated Fund for the purpose of the works specified in the schedule to this Act.

5.—(1.) The Admiralty shall cause to be made out an account, in the form required by the Treasury, showing— Accounts of expenditure.

(*a*) the aggregate amount of money expended for any purpose of this Act or of the Naval Works Act, 1895, and the purposes on which that money was expended, distinguishing the expenditure under each of the heads in the schedule to this Act;

(*b*) the aggregate amount of money borrowed and repaid, and securities (if any) created for borrowing the same and discharged; and

(*c*) the balance (if any) of the sums authorised to be issued for any such purpose.

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(2.) The accounts of expenditure under this Act shall be audited and reported upon by the Comptroller and Auditor-General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866.

29 & 30 Vict. c. 39.

Short title.

6. This Act may be cited as the Naval Works Act, 1896.

SCHEDULE.

HEADS OF PROPOSED EXPENDITURE.

Works.	Total Estimated Cost.	Expenditure up to 31st March 1895.	Estimated Expenditure from 1st April 1895 to 31st March 1896.	To be provided under this Act.	Expected Date of Completion.
1.	2.	3.	4.	5.	6.
(*a.*) Enclosure and Defence of Harbours—	£	£	£	£	
Gibraltar	1,074,000	24,148	123,000	300,000	1899-1900
Portland	650,000*	—	50,000	200,000	1900-1
Dover	1,020,000†	—	—	150,000	1905-6
(*b.*) Adapting Naval Ports to present needs of Fleet—					
Deepening harbours and approaches.	960,000	98,979	268,000	300,000	1898-9
Keyham Dockyard extension (including 175,000*l.* for Fixed Machinery).	3,175,000	350	10,000	500,000	1903-4
Portsmouth Docks	375,000	101,165	200,000	74,000	1896-7
Gibraltar Dockyard extension (including 63,000*l.* for Fixed Machinery).	2,674,000	3,779	60,000	300,000	1899-1900
Hong Kong do. do. (including 20,000*l.* for Fixed Machinery).	340,000	—	—	80,000	1900-1
(*c.*) Naval Barracks, &c.—					
Chatham Naval Barracks	390,000	2,845	1,000	200,000	1898-9
Portsmouth do.	595,000	—	—	150,000	1900-1
Keyham do.	160,000	—	—	50,000	1899-1900
Chatham Naval Hospital	341,000	—	—	100,000	1899-1900
Walmer Marine Depôt	20,000	—	15,000	5,000	1896-7
Keyham Engineers' College	30,000	—	5,000	25,000	1896-7
Dartmouth College for Naval Cadets.	196,000	—	—	60,000	1899-1900
Magazines (including 25,000*l.* for Fixed Machinery).	485,000	—	—	150,000	1899-1900
(*d*) Superintendence and Miscellaneous Charges.	655,000	—	17,000	106,000	—
£	14,040,000	231,266	749,000	2,750,000	—

* An expenditure of 40,543*l.* was incurred during 1893-4 and 1894-5, in erecting dolphins on the line of the breakwater, and was charged to Vote 10 in those years. This is in addition to the estimate of 650,000*l.*

† Subject to revision when the survey is completed.

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59 & 60 Victoria.—A.D. 1896.

CAP. XII.

An Act for the better reporting of Floating Derelicts.

[2nd July 1896.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Derelict Vessels (Report) Act, 1896.

Notice of derelict vessels to be given by masters to Lloyd's agents.

2. Every master or other person for the time being in command of any British ship, after the passing of this Act, who shall become aware of the existence on the high seas of any floating derelict vessel, shall notify the same to the Lloyd's agent at his next place of call or arrival, and shall, together with such notification, furnish to the Lloyd's agent all such information as he may possess as to the supposed locality or identity of such derelict vessel, and the date when and place where the same may have been observed by or reported to him, and the Lloyd's agent shall forthwith on receipt of such notification and information transmit the same to the secretary of Lloyd's in London.

And if any such master fails to make such a report he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

Letters to be sent to Lloyd's in default of agents.

3. If there shall be no Lloyd's agent at the next place of call or arrival, then and in such case the notification shall be made and the information furnished by such master or other person as aforesaid, to the secretary of Lloyd's, London.

Information to be published by Lloyd's.

4. Any information received by the society of Lloyd's as aforesaid, in pursuance of this Act, shall be published by the society forthwith in the same manner and to the same extent as its reports of shipping casualties, and the society shall also forthwith communicate such information to the Board of Trade.

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59 & 60 Victoria.—A.D. 1896.

Cap. XIX.

An Act to make further Provision with respect to Epidemic, Endemic, and Infectious Diseases, and to repeal the Acts relating to Quarantine.

[7th August 1896.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 38 & 39 Vict. c. 55. ss. 130, 134. as to regulations with respect to disease.

1.—(1.) Regulations of the Local Government Board made in pursuance of section one hundred and thirty or section one hundred and thirty-four of the Public Health Act, 1875, or in pursuance of either of those sections, as extended to London by the Public Health (London) Act, 1891, may provide for such regulations being enforced and executed by the officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by those sections may provide for—

(*a*) the signals to be hoisted by vessels having any case of epidemic, endemic, or infectious disease on board; and

(*b*) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and

(*c*) the detention of vessels and of persons on board vessels; and

(*d*) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels.

(2.) Provided that the regulations shall be subject to the consent—

(*a*) so far as they apply to the officers of Customs, of the Commissioners of Her Majesty's Customs; and

(*b*) so far as they apply to officers or men employed in the Coastguard, of the Admiralty; and

(*c*) so far as they apply to signals, of the Board of Trade.

(3.) If any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under section one hundred and thirty or section one hundred and thirty-four of the Public Health Act, 1875, or in pursuance of either of those sections as extended to London by the Public Health (London) Act, 1891, and as amended by this Act, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues; and any such penalty, if not recovered under the provisions of

54 & 55 Vict. c. 76.

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the Acts relating to public health, shall be recoverable by action on behalf of the Crown in the High Court.

Transfer of powers under 39 & 40 Vict. c. 36. s. 234.

2. The powers exerciseable by Her Majesty in Council or any two of the Lords of Her Majesty's Privy Council under section two hundred and thirty-four of the Customs Consolidation Act, 1876, shall be exerciseable by the Local Government Board, and accordingly in that section the words "the Local Government Board" shall be substituted for the words "Her Majesty in Council or any two Lords of Her Majesty's Privy Council."

Application to Scotland.

3.—(1.) This Act shall apply to Scotland with the following modifications:—

(*a.*) References to the Local Government Board shall be construed as references to the Local Government Board for Scotland, and references to the High Court as references to the Court of Session;

(*b.*) References to sections one hundred and thirty and one hundred and thirty-four of the Public Health Act, 1875, shall be construed as references to this section.

(2.) Whenever any part of the United Kingdom appears to be threatened with or is affected by any epidemic, endemic, or infectious disease, the Local Government Board for Scotland shall, without the issue of an order by the Secretary for Scotland, have the powers set forth in section thirty-two of the Public Health (Scotland) Act, 1867, and power to issue regulations under section thirty-three of that Act; and any such regulations shall, for the purposes of sections thirty-seven and thirty-eight of that Act, have the same effect as the Orders of Council referred to in those sections.

30 & 31 Vict. c. 101.

Application to Ireland.

4. In the application of this Act to Ireland—

(*a.*) References to the Local Government Board shall be construed as references to the Local Government Board for Ireland;

(*b.*) References to sections one hundred and thirty and one hundred and thirty-four of the Public Health Act, 1875, shall be construed as references to sections one hundred and forty-eight and one hundred and forty-nine of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Regulations to be uniform.

5. In the making of the regulations referred to in this Act regard shall be had to the expediency of uniform regulations throughout the whole of the United Kingdom.

Repeal of enactments.

6. The enactments relating to quarantine mentioned in the schedule to this Act, and the other enactments therein mentioned, shall be repealed, as to the whole of the British Islands, to the extent appearing in the third column of that schedule.

Commencement of Act.

7. This Act shall come into operation on the expiration of three months from the passing thereof.

Short title.

8. This Act may be cited as the Public Health Act, 1896.

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SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Geo. 4. c. 78.	The Quarantine Act, 1825	The whole Act.
7 Will. 4. and 1 Vict. c. 36.	The Post Office (Offences) Act, 1837.	In section six the words "and "every master of a vessel, "or any other person on "board any ship liable to "the performance of quar- "antine, who shall neglect "or refuse to deliver to "the person or persons "appointed to superintend "the quarantine all letters "in his possession, shall "forfeit twenty pounds."
3 & 4 Vict. c. 96.	The Post Office (Duties) Act, 1840.	Section thirty-six from "and "also except such letters" to "despatched in the usual "manner by the post."
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act, 1854.	In Schedule B. the words "expenses of quarantine."
30 & 31 Vict. c. 101.	The Public Health (Scotland) Act, 1867.	Sections thirty-one, thirty-four, and fifty-six.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section one hundred and thirty from "Any person "wilfully" to the end of the section. In Part III. of Schedule V. the words re-enacting 29 & 30 Vict. c. 90. ss. 51 and 52.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	In section two hundred and thirty-four the words "whether or not it shall "on or after such examina- "tion be found expedient "to order such vessels "under the restraint of "quarantine," and the words "and any penalty "incurred under the Act "of the sixth year of the "reign of King George the "Fourth chapter seventy- "eight."
52 & 53 Vict. c. 64.	The Public Health Act, 1889.	The whole Act.

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Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	In section one hundred and forty-two the words "sections fifty-one and fifty-two of the Sanitary Act, 1866, and" So much of the Act as extends or applies any provision of the Public Health Acts which is repealed by this Act, and in particular the second paragraph of section one hundred and thirty of the Public Health Act, 1875, and the whole of section two of the Public Health Act, 1889, as set out in the First Schedule to the Act.

59 and 60 Victoria.—A.D. 1896.

CAP. XXXIII.

An Act to amend the Laws with respect to the Royal Naval Volunteers. [14th August 1896.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of law as to raising and payment of royal naval volunteers. 22 & 23 Vict. c. 40.

1.—(1.) The power under the Royal Naval Reserve Volunteer Act, 1859, to raise and pay volunteers may, subject to regulations of the Admiralty, be exercised outside the British Islands: Provided that a volunteer shall not be raised or paid outside the British Islands, unless he is a British subject serving on a vessel registered in the British Islands.

(2.) In section one of the said Act the words "in the United "Kingdom and the Islands of Man, Guernsey, Jersey, Alderney, "and Sark, or any of them," and in section nine of the same Act the words "in the United Kingdom or in the Islands of "Man, Guernsey, Jersey, Alderney, and Sark, and nowhere "else, and" are hereby repealed.

Explanation of law as to service of pensioners.

2. A person holding a deferred pension certificate or ticket shall be deemed to be a person in receipt of a pension within the meaning of section eleven of the Royal Naval Reserve Volunteer Act, 1859.

Short title.

3. This Act may be cited as the Royal Naval Reserve Volunteer Act, 1896.

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